

ADF International White Paper

The United Nations Population Fund and the Illicit Promotion of Abortion

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Summary

At its founding in 1969, the United Nations Population Fund (UNFPA) had a core mission of restricting population growth in the name of humanitarian and economic development for the developing world. In more recent years, its stated mission has shifted to focus on the advancement of human rights, although its fundamental aims remain unchanged. While UNFPA has a clear mandate to eliminate recourse to abortion, and is prohibited from promoting abortion, its history is fraught with examples of how it illicitly promotes abortion under the guise of human rights, specifically 'reproductive rights'—a euphemism used at the UN to refer to abortion. This paper examines the various methods UNFPA has used to promote its abortion agenda at the UN, and explains why the blatant abuse of its mandate and its coercive tactics to gain the support of Member States for its agenda is grounds for defunding the Agency.

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1) Introduction

When world leaders gathered in San Francisco in 1945 to create the United Nations (UN), they envisioned an institution that would be ‘a centre for harmonizing the actions of nations,’¹ while at the same time ensuring that state sovereignty would remain a fundamental pillar of the international order.² Grass had not yet grown on the graves of the fallen from World War II, and in the wake of the failed League of Nations, the desire was to build an organization with the staying power to achieve world peace. The need was urgent; however, world leaders were rightly sceptical about the implications for sovereignty as evidenced by the safeguards built into the Charter of the United Nations to ensure that it would not ‘intervene in matters which are essentially within the domestic jurisdiction of any state.’³ Over the last seventy years, the UN increasingly has encroached on these matters, in contradiction to the principle of sovereign equality so clearly articulated in its Charter.

A primary area in which many Member States consistently have sought to block UN interference concerns those issues relating to religious, ethical, and cultural values.⁴ A resulting tension exists between the interests of Member States to protect sovereignty in this realm and efforts on the part of the UN to advance a ‘progressive’ worldview. This tension permeates the entire UN system, which has demonstrated an alarming willingness to disregard national laws when acting on culturally

¹ U.N. Charter art. 1, ¶ 4.

² *Id.* at art. 2, ¶ 1.

³ *Id.* at art. 2, ¶ 7.

⁴ Member State efforts to oppose UN infringements on sovereignty are articulated in the official reservation statements and explanations of position recorded following the adoption of most major negotiated outcome documents. These statements frequently express discontent with the way in which controversial terms are included in a negotiated document, despite Member State objection, and clarify the way in which the State plans to interpret the term in accordance with national legislation.

sensitive issues.⁵ Over time, the UN has assumed the role of international arbiter on an array of highly sensitive social issues, ranging from abortion to 'sexual orientation and gender identity' (SOGI), and in doing so has infringed upon the domestic jurisdiction of Member States to determine their own positions in accordance with the values of their peoples and the principle of self-determination on matters falling outside of binding international law.⁶ Nowhere is this more apparent than in the legacy of the United Nations Population Fund (UNFPA)—the UN agency formed in 1969 for the express purpose of restricting population growth in the developing world.⁷ As succinctly explained by Rafael Salas, the first head of UNFPA, the goal of the Agency was 'the stabilization of global population within the shortest period possible before the end of the next century'⁸—an untenable proposition that would lead to the adoption of illicit and oppressive practices in an attempt to arrive hastily at this goal.

The myriad parts of the UN, comprised not only of its 193 Member States, but also of an enormous bureaucratic structure, including five principle organs and over 40 programmes and specialized agencies, are all meant to work in concert to provide a Member State-driven platform for countries to engage in dialogue, resolve differences, and work toward global betterment. The UN was created to serve Member States in the pursuit of global peace and fundamental human rights. How is one then to understand the blatant disregard for the will of Member States at the hands of its agencies such as UNFPA?

This paper will demonstrate how the activities and ambitions of UNFPA have contravened the sovereign authority of UN Member States over the years. In spite of the fact that many Member States oppose the

⁵ Paul Coleman, *The UN's Push for 'Same-Sex Marriage'*. Public Discourse (Jan. 21, 2016), <http://www.thepublicdiscourse.com/2016/01/16281>.

⁶ U.N. Charter art. 1, ¶ 2.

⁷ Matthew Connelly, *Fatal Misconception*, 237-246 (2008); Stanley Johnson, *World Population and the United Nations*, xxvii (1987); Rachel S. Sullivan, Background paper, *UNFPA in Context: An Institutional History* 7 (2010), <https://www.cgdev.org/doc/UNFPA-in-Context.pdf>.

⁸ Rafael M. Salas, *Reflections on Population*, 124 (1985).

promotion of abortion by the UN and its agencies, UNFPA employs a variety of strategies to promote a thinly veiled abortion agenda. The fact that countries maintain varying positions for and against abortion necessitates that UNFPA, charged with serving all UN Member States, respect the lack of consensus and remain neutral on this issue. The Agency has feigned neutrality by undergoing various permutations and ‘paradigm shifts’ designed to render its work acceptable to the Member States that it serves, strategically abandoning an overtly problematic population control method for a ‘rights-based’ approach several decades after its founding.⁹ The ‘rights’ rhetoric, first understood as the women-specific ‘reproductive rights,’¹⁰ and more recently as the expansive ‘human rights-based approach,’¹¹ has allowed UNFPA to cloak its illegitimate efforts in ambiguity, thus transforming that which was blatantly illegal, coercive, and inhumane into a seemingly legal, safe, and compassionate approach to development.

Since most countries value their human rights record, it is through the ‘rights-based’ approach that governments are pressured to embrace social change in the name of human rights. Developing countries are powerless to resist UNFPA pressure given their heavy reliance on the Agency for crucial development aid. Rather than lose funds, many governments capitulate to its demands. The relationship is symbiotic as UNFPA is incentivized to ensure that governments endorse its agenda in

⁹ Connelly, *supra* note 7, at 363; cf. UNFPA’s explanation of the ‘rights-based’ approach in UNFPA, *Sexual and Reproductive Health for All: Reducing poverty, advancing development and protecting human rights* 14 (Sept 2010), https://www.unfpa.org/sites/default/files/pub-pdf/uarh_report_2010.pdf) [hereinafter UNFPA, *Sexual and Reproductive Health for All*]; UNFPA, *How we work*, <https://www.unfpa.org/how-we-work> (last visited July 25, 2017); UNFPA, *Human rights*, <https://www.unfpa.org/human-rights> (last visited July 25, 2017); UNFPA, *Human rights-based approach*, <https://www.unfpa.org/human-rights-based-approach> (last visited July 25, 2017) [hereinafter UNFPA, *Human rights-based approach*]; UNFPA, *Human Rights-Based Programming: What It Is*, https://www.unfpa.org/sites/default/files/resource-pdf/human_rights.pdf (last visited July 25, 2017).

¹⁰ UNFPA, *Sexual and Reproductive Health for All*, *supra* note 9.

¹¹ UNFPA, *Human rights-based approach*, *supra* note 9.

UN processes given that it is dependent on UN documents to obtain funding for its initiatives. UNFPA is known to employ a host of deceptive strategies at the UN to force country support, including convincing diplomats to break with their government's positions, and putting pressure on governments to remove 'problematic' diplomats. This paper will highlight the variety of techniques employed by the Agency to bypass its founding prohibition on abortion promotion as a method of family planning,¹² and ultimately to force Member State acquiescence to its initiatives on abortion and other controversial topics, often in violation of national law and culture. The conclusion is that it is essential to defund UNFPA or carefully restrict funds contingent on serious reform in order to definitively end the Agency's history of abusive practices.

Clear-cut evidence corroborating the problematic practices of UNFPA is difficult to obtain, no doubt as a result of efforts to obscure it; the issues identified in this paper are based on first-hand observation of the Agency's working methods at the UN. It bears noting that two months after taking office, the Trump Administration withdrew United States funding for UNFPA, primarily on the grounds of allegations that the Agency supports coercive abortions in China.¹³ While the information regarding direct involvement in China is ambiguous, the U.S. government operated on the basis that there was enough of a connection to warrant the suspension of U.S. funding. Such a move has transpired in the past under the Reagan and both Bush administrations,¹⁴ and points to the

¹² UNFPA, *Frequently Asked Questions*, <https://www.unfpa.org/frequently-asked-questions> (last visited July 25, 2017) [hereinafter UNFPA, *Frequently Asked Questions*].

¹³ The State Department said that China's family planning policies involve the use of coercive abortion and involuntary sterilization, and "UNFPA partners on family planning activities with the Chinese government agency responsible for these coercive policies": Conor Gaffey, *U.S. Cuts \$32 Million Funding to U.N. Family Planning Agency*, *Newsweek* (Apr. 4, 2017), <http://www.newsweek.com/un-population-fund-donald-trump-578727>.

¹⁴ Neil A. Lewis, *Abortions Abroad Are New Focus of Widening Battle over Reagan's Policy*, *N.Y. Times* (Jun. 1, 1987), <http://www.nytimes.com/1987/06/01/us/abortions-abroad-are-new-focus-of-widening-battle-over-reagan-s-policy.html>; White House Archive,

existence of far-reaching abuses emanating from the work of the Agency. The Guttmacher Institute, a research organization dedicated to abortion promotion, stated that the United States' defunding of UNFPA constitutes one of the most 'notorious attacks' to the abortion agenda.¹⁵ A common trend concerning the identification of problems with UNFPA is the existence of serious evidence to demonstrate cause for concern, at the same time that this evidence is either heavily obscured or restricted to backroom UN dealings—making it nearly impossible to corroborate the many crimes of UNFPA with public information. The fact that the Agency does do some positive, much-needed work in the area of healthcare and humanitarian assistance further complicates attempts to bring to light its transgressions, but a deeper look at its activities, both past and present, reveals a flagrant disregard for human rights, state sovereignty, and international law.

A. The founding and goals of UNFPA—restricting population growth

The Population Division initially coordinated the population efforts of the UN, but in order to carry out the unsavoury work of reducing population growth free from Member State oversight, a new body had to be launched.¹⁶ The existing Population Division was deemed too technical in nature to take on the task of overseeing worldwide population efforts, and it was considered more advantageous to create a 'fund' that would rely on voluntary contributions.¹⁷ This setup made it possible for the newly

Memorandum on the Restoration of the Mexico City Policy (Jan. 22, 2001), <https://georgewbush-whitehouse.archives.gov/news/releases/20010123-5.html>.

¹⁵ Sneha Barot, *The Global Gag Rule and Fights over Funding UNFPA: The Issues That Won't Go Away*, 18 GUTTMACHER POL'Y REV. (2015), <http://time.com/4724227/unfpa-funding-trump-mexico-city-policy-abortion/>.

¹⁶ Rachel Sullivan Robinson, *UNFPA in Context: An Institutional History* 6-7 (Ctr. for Global Development Working Group on UNFPA's Leaderships Transition, Background paper, Oct. 2010), <https://www.cgdev.org/doc/UNFPA-in-Context.pdf> [hereinafter Rachel Sullivan Robinson, *UNFPA in Context*].

¹⁷ *Id.*

created body to have more flexibility in the way that it executed its mandate,¹⁸ and to this day UNFPA is funded entirely by voluntary contributions from States and organizations supportive of its mandate.¹⁹ The United Nations Fund for Population Activities was thus founded in 1969, and in the early days, its fundamental purpose was unambiguous—it would work on limiting population growth in the developing world by way of the provision of family planning information, services, and commodities.²⁰

This was a time when ideas of outright population control were deemed acceptable in light of prevailing hysteria regarding an imminent ‘population explosion.’²¹ The international community’s answer to the perceived population problem—which was in reality a problem of extreme poverty and not of overpopulation²²—was to promote government programs that encouraged, and in fact often forced, couples to have fewer children.²³ The UNFPA model heralded family planning as the means by which countries would be enabled to restrict population growth so as to finally eradicate poverty and achieve development.²⁴

Whether by overt coercion or incentivized pressure tactics,²⁵ forcing population restriction violates the right, enshrined in international

¹⁸ *Id.*

¹⁹ UNFPA, *Frequently Asked Questions*, *supra* note 12.

²⁰ Rachel Sullivan Robinson, *UNFPA in Context*, *supra* note 16, at 7; cf. John F. Kantner & Andrew Kantner, *International Discord on Population and Development* 37 (2006); Stanley Johnson, *World Population and the United Nations* 43 (1987).

²¹ *cf.* Paul R. Ehrlich, *The Population Bomb* (1968).

²² *cf.* Steven W. Mosher, *Population Control: Real Costs, Illusory Benefits* (2008).

²³ Connelly, *supra* note 7, at 244, 354, 372; UNFPA, *Population and Poverty* (2014), <https://www.unfpa.org/resources/population-and-poverty>.

²⁴ UNFPA, *Family Planning*, <https://www.unfpa.org/family-planning> (last visited July 25, 2017); Stephen Moore, *Don’t Fund UNFPA Population Control* (May 9, 1999), <https://www.cato.org/publications/commentary/dont-fund-unfpa-population-control>.

²⁵ As noted later, coercive population restriction may take the form of forced abortion, sterilization or contraceptive use. Population restriction by incentivization may involve pressuring individuals or couples to engage in contraceptive practices aimed at substantially reducing fertility. While less obviously problematic than outright coercion,

law, of persons to found a family,²⁶ in addition to the fundamental right to self-determination that stems from the innate dignity that every person possesses.²⁷ UNFPA lent its support to China's one-child policy, implemented programs for mass sterilization in India, and worked with governments across the world on efforts that were not only patently illegal, but also constituted egregious human rights violations.²⁸ In 1981, Salas, in his role as UNFPA Executive Director, stated that 'China provides a superb example of integrating population programs with the goals of national development.'²⁹ As late as 1989, UNFPA officials were claiming that 'the UNFPA firmly believes, and so does the government of the People's Republic of China, that their program is a totally voluntary program' and that there are 'no reports ... of violations in this respect ... that the Chinese themselves will say that, within their cultural norms, they are not at all coercive. Maybe from certain Western standards, these might not be totally acceptable. But then, each country must determine that for themselves.'³⁰ Although there was no direct evidence to suggest that UNFPA knowingly supported coercive abortion or involuntary sterilization, fact-finding missions found that offices in some regions of China were shared by both UNFPA and coercive 'family planning' officials, and that UNFPA-funded data infrastructure was being used to enforce the government's coercive policies.³¹ Such policies reportedly involved

incentivization programs may still violate human rights, especially in situations where individuals lack the education to make decisions on the basis of informed consent.

²⁶ International Covenant on Civil and Political Rights, art. 23 ¶ 2, *opened for signature* Dec. 19, 1966, 999 U.N.T.S. 171.

²⁷ International Covenant of Economic, Social and Cultural Rights, art. 1 ¶ 1, *opened for signature* Dec. 19, 1966, 933 U.N.T.S. 3.

²⁸ Connelly, *supra* note 7, at 323, 326, 328.

²⁹ *Cited in* Representative Christopher Smith, *No U.S. Support for Forced Abortion Programs*, <http://www.nrlc.org/archive/news/1999/NRL399/chris.html>.

³⁰ *Id.*

³¹ *Id.*; See also Patrick Goodenough, 'One-Child' Expert Urges Investigation Before UNFPA Funding Resumes, CNS News (Jan. 30, 2009), <http://www.cnsnews.com/news/article/one-child-expert-urges-investigation-unfpa-funding-resumes>.

everything from the forcible taking of women in for abortions against their will³² to ‘social compensation fees’ that constituted fines against couples who ‘violated’ the one-child policy and placed pregnant women under immense pressure to terminate their pregnancies.³³ In essence, UNFPA’s involvement in Chinese population planning had enabled the government to give effect to its program of coercive abortion.³⁴

B. The paradigm shift—from population control to rights

As the undeniable crimes of population control inevitably came to light in the 1990s, UNFPA was forced to reinvent the way in which it presented its offensive activities.³⁵ It was imperative that the Agency shift its focus toward the appearance of a more nuanced vision of women’s rights.³⁶ Gone were the days in which governments could be encouraged to openly implement population control, and the rhetoric rapidly changed to that of ensuring that every woman had access to her ‘reproductive rights.’³⁷

This ‘paradigm shift,’ as it has been termed by UNFPA,³⁸ was an attempt on the part of the Agency to transform its image, rather than to depart from its founding purpose.³⁹ Population control remained front and centre in the work of the Agency, but now it was rebranded in the name of ‘rights,’ specifically the rights of women.⁴⁰ Whereas beforehand

³² Max Fisher, *Why China’s one-child policy still leads to forced abortions, and always will*, *Washington Post* (Nov. 15, 2013), <https://www.washingtonpost.com/news/worldviews/wp/2013/11/15/why-chinas-one-child-policy-still-leads-to-forced-abortions-and-always-will>; Women’s Rights Without Frontiers, *Cases*, <http://womensrightswithoutfrontiers.org/index.php?nav=cases>.

³³ Goodenough, *supra* note 31.

³⁴ *Id.*

³⁵ Connelly, *supra* note 7, at 351, 362-363.

³⁶ UNFPA, *Sexual and Reproductive Health for All*, *supra* note 9, at 14-15; Connelly, *supra* note 7, at 360-364.

³⁷ UNFPA, *Sexual and Reproductive Health for All*, *supra* note 9, at 14.

³⁸ *Id.*

³⁹ Connelly, *supra* note 7, at 359.

⁴⁰ *Id.* at 359-360.

governments had been passive recipients of UNFPA programs, the ‘rights-based’ approach allowed them to act as partners in their implementation and execution—thus enabling UNFPA to give the impression of a cooperative rather than imposing approach when working with Member States.⁴¹

The 1994 International Conference on Population and Development (ICPD), a major UN meeting, solidified this ‘paradigm shift.’ As noted in a UNFPA publication, ‘before the 1990s, issues related to reproductive health focused on controlling women’s fertility in order to diminish population growth and not much more than that.’⁴² UNFPA credits the ICPD with transforming the population discourse into a focus on ‘broader health and social contexts of fertility and parenthood, and of sexuality, gender and human rights’ and away from outdated expressions of population control.⁴³ As noted in a UNFPA statement, the ICPD

moved global population policy away from a focus on numbers and meeting demographic targets towards a focus on human rights and meeting the needs of individual women and men. Perhaps most importantly, [it] called for gender equality and the empowerment of women both as highly important ends in themselves and as key to improving the quality of life for everyone.⁴⁴

The language of human rights corresponded with a growing ‘gendered’ approach to women and development, which would be cemented at the

⁴¹ *Id.*

⁴² UNFPA, Danish Institute for Human Rights & OHCHR, *Reproductive Rights Are Human Rights: A Handbook for National Human Rights Institutions* (2014), <https://www.unfpa.org/sites/default/files/pub-pdf/NHRIHandbook.pdf> [hereinafter *Reproductive Rights Are Human Rights*].

⁴³ UNFPA, *Sexual and Reproductive Health for All*, *supra* note 9, at 14.

⁴⁴ UNFPA, ‘ICPD: Keeping the Promise’, *Keynote Statement at the IPPF 50th Anniversary in New Delhi* (November 13, 2002), <https://www.unfpa.org/press/icpd-keeping-promise-keynote-statement-ippf-50th-anniversary-new-delhi>.

1995 Beijing Fourth World Conference on Women, another major UN meeting.⁴⁵ As the international community realized the importance of correcting the serious systemic challenges that disadvantage women and girls, the environment was ripe for UNFPA to embrace a woman-centric approach as a veneer for population control.

By acknowledging its 'paradigm shift' UNFPA itself substantiates accusations of a tainted history by indicating that its original activities were intended to bring about population control and a change was needed. For instance, in a 2015 interview, Laura Laski, the head of the sexual and reproductive health team, noted that its work was no longer about population control but women's empowerment.⁴⁶ While denying that UNFPA's efforts continue to involve population control, reports by the Agency on the state of world population demonstrate otherwise.⁴⁷ For example, they express a view that mass exportation of contraception is necessary to 'stabilize population growth' in order to mitigate the effects of climate change, and that family planning programs are necessary in light of greenhouse gas concerns, given that 'no human is genuinely "carbon neutral."⁴⁸ This language may no longer seem coercive, but in practice, it deviates little from the Agency's Malthusian origins.

⁴⁵ UNFPA, *Sexual and Reproductive Health for All*, *supra* note 9, at 15.

⁴⁶ Maeve Shearlaw, *What's the best bit of the UN? No 7: UN Population Fund*, The Guardian (September 10, 2015), <https://www.theguardian.com/world/2015/sep/10/best-bit-un-unfpa-united-nations-population-fund>.

⁴⁷ UNFPA, *State of World Population 2016 – 10: How our future depends on a girl at this decisive age* (2016), http://www.unfpa.org/sites/default/files/sowp/downloads/The_State_of_World_Population_2016_-_English.pdf [hereinafter UNFPA, *State of World Population 2016*].

⁴⁸ UNFPA, *State of World Population 2009 – Facing a changing world: women, population and climate* 25 (2009), https://www.unfpa.org/sites/default/files/pub-pdf/state_of_world_population_2009.pdf.

2) UNFPA and the promotion of abortion

A. Abortion promotion as breach of UNFPA's mandate

In recent years, UNFPA has gone so far as to celebrate the global trend in favour of abortion legalization, congratulating countries for liberalizing their abortion laws and for making abortion services more accessible.⁴⁹ This begs the question as to how an agency governed by clear criteria can so openly flout its mandate. This is partially explained by its structural and financial makeup as a UN fund. UNFPA is bolstered entirely by voluntary contributions from countries and other entities supportive of its aims, which has allowed it to operate outside of Member State consensus, and in so doing, deviate seriously from the founding norms of the UN.⁵⁰ This flexibility paved the way for the Agency to ignore its own mandate and progressively disregard State sovereignty over the years.⁵¹ One of the primary rules governing UNFPA from the outset was an express prohibition on the promotion of abortion as a method of family planning.⁵² In clear violation of its mandate, the Agency has circumvented this prohibition by employing a variety of tactical moves, including capitalizing on the ambiguities inherent in abortion-related language at the UN and participating in the outsourcing of abortion-related work.

⁴⁹ Center for Reproductive Rights & UNFPA, *ICPD and Human Rights: 20 years of advancing reproductive rights through UN treaty bodies and legal reform* 5 (jun. 2013), https://www.unfpa.org/sites/default/files/pub-pdf/icpd_and_human_rights_20_years.pdf.

⁵⁰ The United Nations operates on the principle that decisions should be made by unanimity or as close to it as feasible, with issues ideally not being put to a vote and disputes solved either through informal negotiations or post-facto reservations of position (in which Member States note references that they cannot support due to their national law). While it cannot realistically be expected that each and every initiative will enjoy the total support of every Member State, attempts by a subset of States to force global shifts on opinion and finalize negotiations without Member State support violate the foundational principle of consensus.

⁵¹ Connelly, *supra* note 7, at 6-7, 75-76, 123-124, 379-380.

⁵² UNFPA, *Frequently Asked Questions*, *supra* note 12.

As a critical mechanism of population control, abortion promotion had to play a central role in UNFPA's activities, even if it could not promote it as a method of family planning. The Agency was tasked with maintaining a strict focus on 'voluntary family planning' due to the lack of Member State consensus on abortion, and eliminating recourse to abortion was included as part of its mission.⁵³ The restriction placed on abortion promotion is of crucial significance as it points to a diversity of Member State positions on the issue of abortion, and is reflective of the foundational UN principle of consensus—if the Membership is divided on an issue, then the institution as a whole cannot legitimately take a stance that claims to be based on consensus. As long as there exist Member States that prohibit abortion or place restrictions on it, it follows that the UN should not endorse this non-consensus-based issue, which explains why UNFPA was prohibited from advancing abortion as an answer to family planning.

An artificial distinction may be drawn between what it means for UNFPA to advance abortion as a method of family planning specifically and for it to endorse abortion generically, separate from family planning;⁵⁴ such a distinction, however, is of little merit in light of the Agency's clear history of aggressive abortion promotion, which at the very least contravenes its mission to reduce recourse to abortion and ultimately touches every aspect of UNFPA's work, including its primary aim—family planning.⁵⁵ Furthermore, the Agency's emphasis on abortion promotion in

⁵³ *Id.*

⁵⁴ It is possible that UNFPA could argue that even if it is precluded from promoting abortion as part of its family planning package in line with the ICPD, there is nothing stopping it from engaging in advocating for so-called 'sexual and reproductive rights' separate from its work on family planning.

⁵⁵ Iqbal H. Shaha, Elisabeth Åhmana & Nuriye Ortayli, *Access to Safe Abortion: Progress and Challenges since the 1994 International Conference on Population and Development*, UNFPA, https://www.unfpa.org/sites/default/files/resource-pdf/Safe_Abortion.pdf; *Framework of Actions for the follow-up to the Programme of Action of the International Conference on Population and Development Beyond 2014* 81, United Nations (Feb. 12,

its publications, events, and advocacy efforts reveals a disregard not only for its mandate, but also for the overarching principle of consensus upon which the UN is based. UNFPA's website FAQ maintains the following: 'UNFPA does not promote abortion. Rather, it accords the highest priority to voluntary family planning to prevent unintended pregnancies in order to eliminate recourse to abortion.'⁵⁶ That said, the evidence at the UN points to the contrary—UNFPA participates in events that champion abortion⁵⁷ and hosts myriad initiatives that indirectly promote abortion through euphemisms, such as 'reproductive rights' and 'reproductive health services',⁵⁸ in addition to frequently issuing behind-the-scenes threats to Member State representatives that oppose abortion.

B. Understanding 'reproductive rights' at the UN

The discrepancy between the Agency's designated mandate and actual activity is evident in the central focus of its programmatic and advocacy efforts—the fulfilment of 'reproductive rights',⁵⁹ which means abortion in UN parlance.⁶⁰ Although the term is not explicitly defined as including abortion in any UN document, and appears in no binding instruments of

2014), http://www.unfpa.org/sites/default/files/pub-pdf/ICPD_beyond2014_EN.pdf.

⁵⁶ UNFPA, *Frequently Asked Questions*, *supra* note 12.

⁵⁷ 'Abortion and birth control: universal rights and a condition to women's autonomy,' cited in International Planned Parenthood Federation, *IPPF Events at CSW 61*, <http://www.ippf.org/resource/ippf-events-csw-61> (last visited July 25, 2017).

⁵⁸ "Addressing Adolescent Sexual and Reproductive Health in Emergency Responses," Calendar of Side Events at CSW61, <http://www.unwomen.org/en/csw/csw61-2017/side-events/calendar-of-side-events> (last visited July 25, 2017).

⁵⁹ UNFPA, *Supporting the Constellation of Reproductive Rights* (2007), <https://www.unfpa.org/resources/supporting-constellation-reproductive-rights>.

⁶⁰ The positions of both pro- and anti-abortion Member States in UN negotiations make clear that the term 'reproductive rights' is understood to mean abortion in the UN context. Pro-abortion Member States view this term as an essential component of any UN document related to women's issues, health, and increasingly, youth issues. Likewise, Member States that make illegal or limit access to abortion consistently reject it in negotiated documents, and accept it only with qualifying language that underlines respect for State sovereignty on this issue.

international law, 'reproductive rights' has been embraced by the pro-abortion movement as the definitive term in support of a universal right to abortion.⁶¹ It was the ICPD that elevated the concept of 'reproductive rights' to international prominence and entrenched the term in the UN agenda.⁶² Even though it is not defined as abortion in the ICPD, and the document makes clear that abortion laws are to be decided by national legislatures,⁶³ abortion activists were quick to co-opt the term, rendering it synonymous with abortion in the UN discourse. It is clear that 'reproductive rights' is considered the broad umbrella term under which all individual abortion-related terms fall, and as such is the most promoted phrase in the pursuit of the abortion agenda.⁶⁴

⁶¹ Center for Reproductive Rights, *New Report: 2016 a Pivotal Year for Women's Reproductive Rights, with Many Battles Ahead* (Dec. 19, 2016), <https://www.reproductiverights.org/press-room/new-report-2016-a-pivotal-year-for-women%E2%80%99s-reproductive-rights-with-many-battles-ahead>; Center for Reproductive Rights & UNFPA, *Reproductive Rights: A Tool for Monitoring State Obligations* 19, https://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/crr_Monitoring_Tool_State_Obligations.pdf; NARAL Pro-Choice America, *7 in 10 Americans Support Reproductive Rights*, <http://www.prochoiceamerica.org/get-involved/share/7-in-10-americans-support.html> [<https://web.archive.org/web/20160531092133/>]; Kaitlyn Denzler, *Marriage Equality But Not Reproductive Rights: Ireland's Inconsistency on Human Rights*, Amnesty Int'l (Jun. 9, 2015), <http://blog.amnestyusa.org/europe/marriage-equality-but-not-reproductive-rights-irelands-inconsistency-on-human-rights/>; Global Fund For Women, *Sexual and Reproductive Health & Rights*, <https://www.globalfundforwomen.org/sexual-reproductive-health-rights/>; ACLU, *Reproductive Freedom*, <https://www.aclu.org/issues/reproductive-freedom>; National Organization For Women, *Reproductive Rights and Justice*, <http://now.org/issues/abortion-rights-reproductive-issues/>; Unitarian Universalist Association, *Comparing Frameworks: What is Reproductive Health, Rights, and Justice?*, <https://www.uua.org/reproductive/action/199536.shtml>; Robot Hugs, *The Beginner's Guide to Reproductive Rights – What They Are and Why We Need Them*, Everyday Feminism (July 21, 2015), <http://everydayfeminism.com/2015/07/intro-to-reproductive-rights/>; Women's Reproductive Rights Assistance Project, *About WRRAP* (July 25, 2017), <http://wrrap.org/about-wrrap>.

⁶² Programme of Action of the International Conference on Population and Development, 7.6.

⁶³ *Id.* at 8.25.

⁶⁴ As a consequence of the implicit definition of 'reproductive rights,' pro-life Member States resisted the term for years, but eventually gave way to pressure from other Member States and the UN. Since 2011, the term frequently has been accepted in negotiated UN

As noted in the Strategic Plan 2014-2017, a goal of UNFPA is ‘the achievement of universal access to sexual and reproductive health, the realization of reproductive rights, and the reduction in maternal mortality.’⁶⁵ ‘Reproductive rights’ is for UNFPA ‘a constellation of civil, political, economic, social and cultural rights protecting the freedom of individuals and couples to make autonomous, informed decisions about sexuality and reproduction and to enjoy their sexual and reproductive health, free from discrimination, coercion and violence.’⁶⁶ Furthermore, UNFPA states that ‘reproductive rights’ include ‘reproductive decision-making, including voluntary choice in marriage, family formation and determination of the number, timing and spacing of one’s children and the right to have access to the information and means needed to exercise voluntary choice.’⁶⁷ Although ambiguous, it is not difficult to infer what the Agency means by referencing the ‘means’ for such ‘choice’ given the common interpretation of what ‘reproductive rights’ entails.

The nebulous language employed by UNFPA to describe ‘reproductive rights’ belies the fact that the term is incontrovertibly understood to mean abortion in the negotiation rooms of the UN. The inconsistency between its stated ICPD definition and implied understanding in negotiations has made it possible for UNFPA to adopt the term as a central part of its mission, while retaining an ostensible prohibition on abortion promotion as a method of family planning. The most obvious, but least documented, proof of this lies in UNFPA’s efforts to influence Member State negotiations on UN outcome documents. In

documents (appearing in most General Assembly resolutions on women and health issues, in addition to the documents of the Commission on the Status of Women and Commission on Population and Development); however, it engenders consistent debate among Member States, with the majority refusing to accept ‘reproductive rights’ without a corresponding reference to national sovereignty in line with paragraph 8.25 of the ICPD Programme of Action.

⁶⁵ UNFPA, *The UNFPA Strategic Plan, 2014-2017* 4, <http://www.unfpa.org/sites/default/files/resource-pdf/Strategic%20Plan%2C%202014-2017.pdf>.

⁶⁶ *Id.* at 8.

⁶⁷ UNFPA, *Supporting the Constellation of Reproductive Rights* (2007), <https://www.unfpa.org/resources/supporting-constellation-reproductive-rights>.

these processes, UNFPA often advocates fervently for the inclusion of 'reproductive rights' and the removal of State sovereignty language, and many times advances controversial references by working on the drafting of documents and assisting with the facilitation of negotiations.

It is in spite of longstanding Member State opposition to the 'reproductive rights' agenda that UNFPA relentlessly promotes the term, revealing a patent disregard for the will of these States. The clear and persistent Member State divide on the issue of abortion should signal a corresponding respect for this lack of consensus from a UN Agency tasked with serving the whole Membership. On the contrary, UNFPA is one of the leaders of the pro-abortion movement at the UN,⁶⁸ and promotes 'reproductive rights' wholeheartedly, while still purporting to work toward reducing recourse to abortion—such is the paradox of UN word games. In fact, it is clear that if UNFPA is to reach its overarching aim of world population 'stabilization,' then the pursuit of an 'international human right to abortion' (essentially abortion on demand for anyone, anywhere, and at any point in the pregnancy) is its logical desired means to an end.

⁶⁸ While this is most evident in the private lobbying of Member State delegates, it is also readily apparent in the Agency's participation in UN side events, publications, etc.; cf. International Planned Parenthood Federation, *Abortion and birth control: universal rights and a condition to women's autonomy 2* (Mar. 2017), <http://www.ippf.org/resource/ippf-events-csw-61>; UNFPA, *State of World Population 2016*, *supra* note 47, at 71; Permanent Mission of Norway to the United Nations in New York, *CPD: Protecting Bodies, Protecting Rights: The role of Faith-Based Organizations in Enabling Sexual and Reproductive Health and Rights* (Apr. 4, 2017), <https://www.norway.no/en/missions/un/events/cpd-protecting-bodies-protecting-rights>; United Nations, *Sexual and reproductive rights agendas: from 2030 Agenda to Catalan Agenda – SDG from a gender approach*, <http://esango.un.org/SideEvents/documents/2098> (last visited Jul. 25, 2017). Cf. Iqbal H. Shaha, Elisabeth Åhmana & Nuriye Ortayli, *Access to Safe Abortion: Progress and Challenges since the 1994 International Conference on Population and Development*, UNFPA, https://www.unfpa.org/sites/default/files/resource-pdf/Safe_Abortion.pdf; *Framework of Actions for the follow-up to the Programme of Action of the International Conference on Population and Development Beyond 2014* 81, United Nations (Feb. 12, 2014), http://www.unfpa.org/sites/default/files/pub-pdf/ICPD_beyond2014_EN.pdf.

3) Strategies for abortion promotion

A. UNFPA's partnerships for the promotion of abortion

UNFPA has distanced itself artificially from the explicit promotion of abortion by instead developing and promoting relationships with organizations such as the International Planned Parenthood Federation (IPPF)—the largest provider of abortion services in the world—and many other organizations dedicated to abortion services.⁶⁹ It has a formal mechanism by which it partners with civil society organizations, involving the signing of numerous 'Memoranda of Understanding' or 'Memoranda of Cooperation.'⁷⁰ As stated on its website, 'UNFPA further expands the scope of its work by partnering with civil society, academic institutions and the private sector.'⁷¹ The choice of words 'further expands the scope of its work' points to UNFPA's ability to mobilize strategic partnerships to drastically exceed the mandate conferred upon it by Member States.

⁶⁹ Connelly, *supra* note 7, at 353-359; cf. UNFPA, *Partnerships* (2016), <https://www.unfpa.org/admin-resource/partnerships>; UNFPA, *Conference on Outcomes of Joint EU/ACP/UNFPA/IPPF programme* (Oct. 14, 2006), <https://www.unfpa.org/events/conference-outcomes-joint-euacp-unfpa-ippf-programme>; UNFPA & IPPF, *Towards poverty eradication: Working in partnership to improve sexual and reproductive health and rights*, UNFPA, https://www.unfpa.org/sites/default/files/pub-pdf/leaflet_en.pdf; IPPF, UNFPA & Global Coalition on Women and AIDS, *Ending child marriage: a guide for global policy action*, UNFPA (Sept. 2006), <https://www.unfpa.org/sites/default/files/pub-pdf/endingchildmarriage.pdf>; UNFPA, *Now is the Time for Action: Universal Access to Comprehensive Sexual and Reproductive Health Services in Africa* (Sept. 21, 2006), <https://www.unfpa.org/press/now-time-action-universal-access-comprehensive-sexual-and-reproductive-health-services-africa>; UNFPA, *3rd Asia-Pacific Conference on Reproductive and Sexual Health* (Nov. 17, 2005), <https://www.unfpa.org/press/3rd-asia-pacific-conference-reproductive-and-sexual-health>; UNFPA, 'ICPD: Keeping the Promise', Keynote Statement at the IPPF 50th Anniversary in New Delhi (Nov 13, 2002), <https://www.unfpa.org/press/icpd-keeping-promise-keynote-statement-ippf-50th-anniversary-new-delhi>.

⁷⁰ UNFPA, *Strategic Partnerships*, <https://www.unfpa.org/strategic-partnerships> (last visited Jul. 25, 2017).

⁷¹ UNFPA, *How We Work*, <https://www.unfpa.org/how-we-work> (last visited Jul. 25, 2017).

In a 2001 statement in celebration of Marie Stopes International (MSI), an official partner of UNFPA, Executive Director Thoraya Ahmed Obaid stated, '[L]et me say that Marie Stopes International is one of UNFPA's most valued partners in the great work we are doing together.'⁷² While UNFPA has a clearly defined mandate to reduce recourse to abortion, MSI states that 'abortion and post-abortion care is at the core of our mission'⁷³—an absolute contradiction to UNFPA's stated mandate that has nonetheless given rise to an unshakeable partnership. Another such example is the Memorandum of Cooperation between UNFPA and Rotary International, the latter of which has, in the capacity of its Rotarian Action Group for Population and Development, spoken about the need to 'break taboos' in Africa concerning sexuality and abortion.⁷⁴ A Memorandum of Understanding in 2002 involved UNFPA's partnering with the International Federation of the Red Cross, which has advocated explicitly in favour of countries' amending their laws to allow for so-called 'safe and legal abortion.'⁷⁵ Although the Bill & Melinda Gates Foundation ceased funding abortion as part of its 'family planning' services in June 2014 for public relations purposes (citing the ongoing debate on abortion

⁷² UNFPA, 'Marie Stopes: Universal Principles and Cultural Values', Statement at the Stopes Memorial Lecture in London (Mar. 13, 2001), <https://www.unfpa.org/press/marie-stopes-universal-principles-and-cultural-values-statement-stopes-memorial-lecture-london>.

⁷³ Marie Stopes Int'l, *Safe Abortion and Post-Abortive Care*, <https://www.mariestopes.org/what-we-do/our-services/safe-abortion-and-post-abortion-care> (last visited Jul. 25, 2017).

⁷⁴ UNFPA, *UNFPA and Rotary Renew Cooperation on Population and Development Issues* (Feb. 5, 2003), <https://www.unfpa.org/press/unfpa-and-rotary-renew-cooperation-population-and-development-issues>; Rotarian Action Group for Population & Development, *The Challenge of the 21st Century: Slow Population Growth*, <http://www.rifpd.org/blog/442> (last visited Jul. 25, 2017).

⁷⁵ UNFPA, *UN Population Fund And IFRC Will Work To Make Pregnancy and Childbirth Safer in Disaster Situations* (Jun. 20, 2002), <https://www.unfpa.org/press/un-population-fund-and-ifrc-will-work-make-pregnancy-and-childbirth-safer-disaster-situations>; International Committee of the Red Cross, *Vulnerabilities in Armed Conflicts: Selected Issues – Is there a "right to abortion" for women and girls who become pregnant as a result of rape? A humanitarian and legal issue* (Oct. 18, 2013), <https://www.icrc.org/eng/assets/files/2013/abortion-sexual-violence-bruges-10-2013-2.pdf>.

in the United States), it had partnered with UNFPA for a number of years beforehand, including a Memorandum of Understanding months prior to their self-imposed abortion moratorium.⁷⁶

The relationship between IPPF and UNFPA is deeply entrenched and dates back to their founding. In celebration of the 50th anniversary of IPPF, a UNFPA representative speaking on behalf of the Agency praised the abortion conglomerate, stating, ‘IPPF is a true pioneer in our field and is rightly known for its brave and angry spirit and going boldly where governments have feared to go’—the reference to governments a not-so-subtle nod to the Agency’s proclivity for defying State sovereignty. Driven by a eugenics-minded ideology of population control and funded by wealthy American entrepreneurs including the Rockefeller and Ford Foundations, the history of UNFPA and IPPF are one and the same—from the very start, they have worked in tandem toward the same ends.⁷⁷ UNFPA created the policy space and amassed the requisite funding, while IPPF carried out that which UNFPA was prohibited from doing itself.⁷⁸ Today, their representatives host the same events, lobby for the same goals, and share the same partners.⁷⁹

⁷⁶ UNFPA, *UNFPA Drives Family Planning Innovation to Reach World’s Most Marginalized, at Major Women’s Health Conference* (May 22, 2013), <http://www.unfpa.org/press/unfpa-drives-family-planning-innovation-reach-world%E2%80%99s-most-marginalized-major-women%E2%80%99s-health>; UNFPA, *UNFPA, Bill & Melinda Gates Foundation to Boost Family Planning in Developing Countries* (Apr. 18, 2014), <https://www.unfpa.org/press/unfpa-bill-melinda-gates-foundation-boost-family-planning-developing-countries-0>; Melinda Gates, *Reflections on My Recent Travels, Impatient Optimists* (Jun. 2, 2014), <https://www.impatientoptimists.org/Posts/2014/06/Reflections-on-My-Trip-to-Toronto>.

⁷⁷ Connelly, *supra* note 7, at 12, 159, 307, 364.

⁷⁸ *Ibid.*, 289; International Planned Parenthood Federation, *Abortion*, <http://www.ippf.org/our-approach/services/Abortion> (last visited Jul. 25, 2017).

⁷⁹ Most of UNFPA lobbying occurs informally and behind-the-scenes, especially given the fact that overt support for abortion and other controversial measures is strategically avoided, but see for example a side event at CSW61 entitled ‘Abortion and birth control: universal rights and a condition to women’s autonomy,’ *cited in* International Planned Parenthood Federation, *IPPF Events at CSW 61 2*, <http://www.ippf.org/resource/ippf-events-csw-61> (last visited Jul. 25, 2017); cf. International Planned Parenthood Federation, *UNFPA opens IPPF’s anniversary event* (Nov. 29, 2012), <http://www.ippf.org/>

The work of UNFPA and IPPF is so intertwined as to often be indistinguishable at the UN. Given that IPPF's central focus is the provision and promotion of abortion,⁸⁰ it follows that this partnership presents a convenient workaround for UNFPA's restriction on abortion promotion. For instance, in May 2015, IPPF established an ongoing partnership with UNFPA to provide 'sexual and reproductive health services' to earthquake-affected women and girls in Nepal, which under the ICPD Programme of Action specifically includes abortion.⁸¹ Although the obvious response to this is that UNFPA does not deliberately fund any of the abortion-related activities of organizations like IPPF, the response to that in turn is that funding the non-abortion related activities of IPPF and other similar organizations frees up their resources to be used on abortion services and abortion advocacy.

UNFPA also trains and encourages national human rights institutions (NHRIs) to promote abortion on the country level. NHRIs are domestic institutions tasked with monitoring human rights independent of the government.⁸² Situated within countries, they access on-the-ground information, work alongside civil society, and influence their governments. UNFPA encourages NHRIs to cultivate relationships with 'women's organizations,' particularly on the issue of 'reproductive rights,' in order to

news/announcements/unfpa-opens-ippfs-anniversary-event; International Planned Parenthood Federation, *Namibian First Lady and Executive Director of UNFPA to participate in IPPF's 60th anniversary* (Nov. 22, 2012), <http://www.ippf.org/news/announcements/namibian-first-lady-and-executive-director-unfpa-participate-ippfs-60th>; UNFPA, *Progress in Realising the Addis Ababa Promise to the Youth of Africa* (Apr. 12, 2016), <http://southafrica.unfpa.org/en/events/progress-realising-addis-ababa-promise-youth-africa>.

⁸⁰ International Planned Parenthood Federation/Western Hemisphere Region, *2015-2016 Annual Report*, https://www.ippfwhr.org/sites/default/files/c20161021_IPPFWHR_Annual_Report_Small.pdf (last visited Jul. 25, 2017).

⁸¹ International Planned Parenthood Federation, *UNFPA and IPPF to partner in providing Sexual and Reproductive Health services to earthquake affected women and girls in Nepal* (May 6, 2015), <http://www.ippf.org/news/unfpa-and-ippf-partner-providing-sexual-and-reproductive-health-services-earthquake-affected>.

⁸² *Reproductive Rights Are Human Rights: A Handbook for National Human Rights Institutions*, *supra* note 42.

advocate for the easing of restrictions on abortion.⁸³ In a strategy manual authored by UNFPA for NHRIs, it notes that ‘especially with respect to reproductive rights, it is important to establish relationships with the main hospitals and with associations of health professionals.’⁸⁴ The manual notes as an example that the NHRI in El Salvador has ‘worked to promote [reproductive] rights in Salvadorian society.’⁸⁵ UNFPA thereby was endorsing the promotion of abortion in a country where abortion was illegal, although the ambiguity of ‘reproductive rights’ made it difficult to pinpoint as a specific contravention of El Salvador’s law.

B. Other avenues for abortion promotion

Relying on a complex network of carefully curated relationships with NHRIs and other partners allows UNFPA to maintain an aura of neutrality while actively championing abortion. In addition to these partnerships, UNFPA has implemented a variety of strategies to bypass its restriction on abortion promotion, while getting as close as possible to the direct provision of abortion. For instance, it has a long history of distributing abortifacients, vacuum extractors, and other commodities of dubious purpose without an explicit link to abortion, always careful to explain these materials as necessary for post-abortion care from botched or ‘unsafe abortions.’⁸⁶ As part of its Minimum Initial Service Package (MISP) for Sexual and Reproductive Health in Crises, box kits designed to offer reproductive health materials for women and girls in disaster or conflict situations, it includes a variety of medical devices and materials that are commonly associated with abortion. The MISP kits include tools for

⁸³ *Id.*

⁸⁴ *Id.* at 43.

⁸⁵ *Reproductive Rights Are Human Rights*, *supra* note 42, at 69.

⁸⁶ UNFPA, *Reproductive Health Kits Management Guidelines for Field Offices*, <http://www.unfpa.org/sites/default/files/resource-pdf/RH%20Logistics%20Guidelines%20-%20En.pdf> (last visited Jul. 25, 2017).

vacuum extraction, dilation and curettage, and various medications often associated with abortion such as misoprostol, in addition to an embryotomy set, which includes a cranioclast to crush and extract a fetus.⁸⁷ It is made clear that these are included for the purpose of managing complications arising from miscarriage or 'unsafe induced abortion';⁸⁸ however, the types of materials included in the kits irrefutably are associated with abortion. For example, the vacuum aspirator comes with a manual from Ipas, an international organization dedicated to ensuring that women and girls have access to abortion, which specifically states that the vacuum is to be used not just for the management of complications from abortion, but also for first trimester abortions.⁸⁹ Furthermore, MISP encourages abortion referral, noting that providers should offer 'safe abortion care where it is legal...Termination of pregnancy may also be allowed in relation to the mental and physical health of the woman. Trained service providers can provide abortions in the first trimester.'⁹⁰ UNFPA thus directly makes available abortion services, while remaining one step removed by relying on referral partnerships.

UNFPA also advocates for the implementation of 'comprehensive sexuality education' (CSE), in which minors are encouraged to try risky sexual behaviours, adopt attitudes toward relationships that run contrary to common religious and ethical values, and to seek abortions.⁹¹ These

⁸⁷ IAWG, *Inter-Agency Reproductive Health Kits for Crisis Situations* 33 (2011), https://www.unfpa.org/sites/default/files/resource-pdf/RH%20kits%20manual_EN_0.pdf.

⁸⁸ *Id.* at 27.

⁸⁹ IAWG, *Performing Uterine Evacuation with the Ipas MVA Plus® Aspirator and Ipas EasyGrip® Cannulae: Instructional Booklet 7*, <http://iawg.net/wp-content/uploads/2017/01/RH-Kit-8-Ipas-MVA-instructional-booklet-1.pdf> (last visited Jul. 25, 2017).

⁹⁰ IAWG, *Inter-agency Field Manual on Reproductive Health in Humanitarian Settings* 34 (2010), http://www.who.int/reproductivehealth/publications/emergencies/field_manual_rh_humanitarian_settings.pdf?ua=1.

⁹¹ UNESCO, *International Guidelines on Sexuality Education: An Evidence Informed Approach to Effective Sex Relationships and HIV/STI Education* iii (2009), <http://www.refworld.org/docid/4a69b8902.html>; WHO Regional Office for Europe & BZGA, *Standards for*

programs are opposed fiercely by Member States at the UN, and language on CSE is only accepted in negotiated texts with a corresponding reference to the role of parents and the fact that the education must be 'age-appropriate.'⁹² Some Member State representatives have blocked the entire process of negotiating a document for the purposes of avoiding the inclusion of this term, and yet UNFPA remains committed to its advancement.⁹³ Moreover, UNFPA attempts to implement CSE within countries that oppose it⁹⁴—further evidence of its willingness to disregard accountability to the Member States that oppose the extremely contentious curricula and to ignore its own mandate given the prominence accorded to abortion in CSE programs.

UNFPA has established ties with progressive and pro-abortion religious and faith-based organizations in an attempt to counteract the religious, social, and cultural values of Member States in which it seeks to promote its agenda, especially those in Africa. In doing so, it gives the illusion that it works with religious organizations and takes into account religious values, while in reality it exclusively champions organizations that share the views of the Agency. For example, in June 2016, UNFPA and the Church of Sweden co-published a report entitled 'Women, Faith and Human Rights,' and although this document does not explicitly promote abortion by name, it seeks to reconcile religious beliefs and values with the advancing of 'sexual and reproductive health and rights.'⁹⁵

Sexuality Education in Europe 48 (2010), <http://www.bzgawhocc.de/?uid=072bde22237db64297daf76b7cb998f0&id=Seite4486>; cited in Meghan Grizzle Fischer, *The Rise of Faux Rights: How the UN went from recognizing inherent freedoms to creating its own rights* 10, ADF Int'l (Feb. 2017), <http://www.adfinternational.org/resources>.

⁹² cf. U.N. G.A. Res. 67/152, Rights of The Child, ¶ 34 & 44(j) (Dec. 20, 2012).

⁹³ UNFPA, *Comprehensive sexuality education*, <https://www.unfpa.org/comprehensive-sexuality-education> (last visited Jul. 25, 2017).

⁹⁴ cf. UNFPA Uganda, *Upsurge in sexuality education seen in countries with high HIV rates* (Aug. 10, 2016), <http://uganda.unfpa.org/en/news/upsurge-sexuality-education-seen-countries-high-hiv-rates>.

⁹⁵ UNFPA & Church of Sweden, *Women, Faith and Human Rights*, <https://www.unfpa.org/sites/default/files/pub-pdf/UNFPA-WFHR.pdf> (last visited Jul. 25, 2017).

The Church of Sweden's own policy on this issue is, '[D]ue to the complexity of the issue, not to formulate a single principle opinion on abortion but ... instead [emphasize] the church's pastoral task relating to the decision to undergo an abortion'; however, the same policy document speaks to a number of points about 'lack of access to safe abortions' as a means of 'disempowering women.'⁹⁶ The company that UNFPA keeps in its campaigns to undermine the foundational values of Member States without technically breaching its mandate should, in this regard, speak for itself.

C. Expansion of UNFPA goals to include abortion

The Agency has grown increasingly open in its promotion of abortion. Its goals have blurred and expanded over time, broadening to encompass the overt promotion of 'reproductive health services,' defined in the ICPD as including abortion⁹⁷ and understood in UN parlance as such.⁹⁸ The Agency's Management Guidelines for humanitarian crisis situations states the following: 'Among these objectives and goals is the provision of universal access to reproductive health services, including family planning and sexual health; one of the key mandates of the United Nations Population Fund (UNFPA).'⁹⁹ The reference to 'services' indicates a marked, although still subtle, shift to a more open promotion of abortion, although no change in the Agency's official mandate has taken place.

In another step toward overt abortion promotion, UNFPA goes so far as to advocate for the view that abortion must be made legal in order

⁹⁶ Church of Sweden, *Position on Sexual and Reproductive Health and Rights (SRHR)* 7, 9, 13 (Dec. 3, 2013), <https://www1.svenskkyrkan.se/default.aspx?id=1095498>.

⁹⁷ *Programme of Action of the International Conference on Population and Development*, 13.14.

⁹⁸ Pro-life Member States consistently reject this term in negotiated UN documents.

⁹⁹ UNFPA, *Reproductive Health Kits Management Guidelines for Field Offices* 8, <http://www.unfpa.org/sites/default/files/resource-pdf/RH%20Logistics%20Guidelines%20-%20En.pdf>.

to be 'safe.'¹⁰⁰ Calls for 'safe abortion' are essentially calls for the legalization of abortion and represent the most blatant violation of the restriction on the Agency on abortion promotion and its commitment to reducing recourse to abortion. By criticizing countries with restrictive laws, and welcoming the liberalization of abortion access,¹⁰¹ UNFPA makes clear that it gives little weight to Member State sovereignty. As noted in a UNFPA publication, the Agency welcomes the fact that '[s]ince the adoption of the ICPD Programme of Action, over 30 countries worldwide have liberalized their abortion laws, broadening the grounds under which women can access legal abortion and abolishing laws criminalizing women for having abortions.'¹⁰² Instead of focusing on providing maternal health care and access to authentic reproductive health, UNFPA argues that legal abortion is necessary for maternal health and directs its resources to the promotion of abortion in countries where the practice is irreconcilable with local values.¹⁰³ Together with its vast network of strategic alliances and other linguistic manoeuvres, it is evident that the Agency's advocacy efforts often are antithetical to its mandate and reveal the continued pursuit of population control via abortion on demand across the globe.

Because UNFPA cannot achieve its ultimate population goals without securing global, unrestricted abortion access, the pursuit of an 'international human right to abortion' is the necessary corollary of its

¹⁰⁰ Iqbal H. Shaha, Elisabeth Åhmana & Nuriye Ortayli, *Access to Safe Abortion: Progress and Challenges since the 1994 International Conference on Population and Development*, UNFPA 3, 5-7, https://www.unfpa.org/sites/default/files/resource-pdf/Safe_Abortion.pdf [hereinafter *Access to Safe Abortion*]; cf. UNFPA, *Eliminating Maternal Deaths from Unsafe Abortion in Uruguay* (Aug. 18, 2011), <https://www.unfpa.org/news/eliminating-maternal-deaths-unsafe-abortion-uruguay>.

¹⁰¹ Center for Reproductive Rights & UNFPA, *ICPD and Human Rights: 20 years of advancing reproductive rights through UN treaty bodies and legal reform* 5 (Jun. 2013), https://www.unfpa.org/sites/default/files/pub-pdf/icpd_and_human_rights_20_years.pdf.

¹⁰² *Id.*

¹⁰³ *Access to Safe Abortion*, *supra* note 100.

population pursuits. It must be noted that under international law, there is unequivocally no 'right to abortion.' On the contrary, UN treaties include strong protections for the right to life, and numerous references to the unborn.¹⁰⁴ Beyond defying its own mandate, UNFPA also stands in clear opposition to the body of universal human rights law in its attempts to build momentum toward the recognition of an 'international human right to abortion.'

D. UNFPA pressure on governments

The hallways of the UN are rife with the testimonies of diplomats who have experienced the brunt of UNFPA's coercive force; however, most of these stories go undiscovered because of the private nature of UN negotiations, and the diplomats' fear of exacerbating the Agency's wrath. Hidden from outside observers, the many illegitimate efforts of UNFPA go unimpeded in the closed-off negotiation rooms, accessible only to Member States and select UN representatives. Upon entering these rooms, the full array of UNFPA threats becomes readily apparent, and quickly shut down all but the strongest of countries. The day-to-day work of the UN involves the drafting, painstaking negotiation, and eventual adoption of hundreds of documents on an immense range of topics. It is Member States that are to have total say over the crafting of these documents, and yet UNFPA employs a variety of disreputable bullying techniques to achieve its objectives in negotiations. The influence that the Agency wields is readily apparent from within negotiations, as are the

¹⁰⁴ For example, Article 6(5) of the International Covenant on Civil and Political Rights (ICCPR) states that, 'Sentence of death ... shall not be carried out on *pregnant women*.' As the *travaux préparatoires* make clear, the principal reason for providing this paragraph 'was to save the life of an *innocent unborn child*.' Article 6(1) of the Convention on the Rights of the Child (CRC) states that 'every child has the inherent right to life.' This article must be read in light of the Convention's preamble, which states: '[T]he child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.'

formidable consequences that await Member States that oppose it. UNFPA involvement in the creation of UN documents indicates a concerted push for abortion promotion and other controversial topics and an underlying contempt for the will of Member States.

The working methods of the negotiation room are founded on an overarching respect for the sovereign identity and equality of Member States.¹⁰⁵ For this reason, the goal is for all negotiated texts to enjoy consensual support. The outcome of UN negotiations should be a generalized document that speaks to points of commonality—forays into the controversial only serve to thwart consensus and trigger a call for the document to be put to a vote, which is viewed as an undesirable outcome. Sovereignty is safeguarded when the principle of consensual negotiation is alive and operational; consensus is no more than a farce, however, when countries are forced to accept terms that violate their national laws at the risk of diplomats' losing their jobs or governments' losing their funding at the hands of UNFPA pressure.

The time-honoured practice in negotiations has been that when a Member State or group of Member States finds a particular reference in a text unacceptable, that reference is termed as a 'red line' and is excluded. Over time, the concept of the 'red line' has been both eroded and expanded, in large part due to the influence of UNFPA. It has eroded insofar as countries often lack the capacity to say that something is unacceptable and see it removed from the text. For example, a powerful group of countries (e.g. the 54 countries of the African Group) could object to the inclusion of the contentious 'comprehensive sexuality education,' only to have UNFPA, in conjunction with 'progressive' Member States, force its inclusion nonetheless.¹⁰⁶ On the other hand, countries will claim that the absence of a particular concept in a document is unacceptable

¹⁰⁵ U.N. Charter art. 2, ¶1: 'The Organization is based on the principle of the sovereign equality of all its Members.'

¹⁰⁶ By working alongside likeminded Member States or pressuring dissenting Member States into compliance throughout the process of negotiations, UNFPA is able to insist that its priority issues are reflected in the text.

for their governments. An example is a country threatening to call for a vote over the lack of 'reproductive rights,' which signals an unwillingness to engage in continued negotiations and departs from the desired norm of reaching a final text through consensus. UNFPA is at the forefront of these efforts, urging Member States to obtain the strongest possible language, regardless of legitimate opposition from other States. Member States are reliant on the Agency for a host of development funding initiatives for everything from combating HIV/AIDS and other diseases to relief in emergency humanitarian situations.¹⁰⁷ As a result, governments often capitulate due to the vulnerable position of being indebted to UNFPA and other UN agencies for crucial development aid.

The language in UN documents is of consequence to UNFPA in that the Agency depends on negotiated Member State texts to substantiate its policies and programs. As a result, it has taken on an inordinately involved role in the creation of these documents, often writing or heavily editing the first draft. Member State representatives frequently complain that by advocating for its own positions when called upon to provide technical answers to Member State questions in negotiations, the Agency far surpasses the limited parameters of its advisory role. Instead of observing negotiations, UNFPA representatives, often former diplomats who, for added effect, come from the very countries that oppose the agenda of UNFPA, patrol negotiation rooms and threaten the positions of diplomats who are perceived to be acting out of line. Diplomats will confidentially reveal the many instances in which they have been pressured, but are wary of going public with their experiences for fear of losing their position. UNFPA will call ambassadors and even heads of state to have 'difficult' diplomats removed from the negotiations, or even from their posting at the Mission. Many diplomats recount having had no direct conversations with UNFPA prior to being reported to their superiors, and in several instances, UNFPA supplied recorded transcripts of diplomats in the

¹⁰⁷ Population Council & UNFPA, *HIV/AIDS Prevention Guidance for Reproductive Health Professionals in Developing-Country Settings* (2002), https://www.unfpa.org/sites/default/files/pub-pdf/hiv_guidance.pdf.

negotiation room—a serious violation of the sanctity of the closed-door intergovernmental process. In one particular session, the pinnacle of these intimidation techniques was the threat to suspend funding for all development initiatives to an entire region when a diplomat objected to the inclusion of a term in defence of his national law.

Conversations with UN diplomats readily reveal the extent to which UNFPA will resort to unabashed trickery—providing disingenuous information to government representatives at the Ministry level,¹⁰⁸ or even funding travel to the UN for representatives from small Member States so that they will espouse the UNFPA view in negotiations, often in contradiction to their national laws and policies. Such stories are the norm, and are easy to come by in informal conversation with diplomats, although very few instances of coercion are ever brought to light to publicly challenge UNFPA.

Silence in the face of pressure is compounded by the fact that many developing countries have difficulty ensuring that their UN diplomats and government officials back at home remain in sync—a product of disorganization that often gives rise to diplomats deviating from the official government position or ministers being unaware of UN dynamics. UNFPA takes advantage of this problem, sidestepping country objections by finding someone else in the government hierarchy to support its plan. Ministers, often uninformed about the work of UN

¹⁰⁸ At the 48th Session of the Commission on Population and Development at United Nations Headquarters, the representative from Nauru delivered a public statement urging UNFPA to stop pressuring its government. *cf.* Parliamentary Network for Critical Issues, *Push for SRHR Derailed at UN CPD Meeting* (Apr. 23, 2015), <http://www.pncius.org/update.aspx?id=129>: ‘A delegate from the Pacific Island nation Nauru expressed national outrage at UNFPA for its attempts to “discredit” his government, for “harassing” its capital to change its position on reproductive rights and comprehensive sexuality education, and for using the regional UNFPA office to pressure the Nauru government. He asked: “Why does UNFPA think it can do this? Is it because we are the smallest Member State?” The delegate stated that Nauru’s Permanent Representative wanted the record of CPD to include Nauru’s opposition to UNFPA’s actions and pressure on its country.’

diplomats to block the exact program UNFPA has arrived at their doorstep to promote, have difficulty resisting official UN advances, putting their Missions back at the UN in the uncomfortable position of having to counteract these decisions in the continual defence of their national laws.¹⁰⁹ Regional UNFPA representatives have been known to cultivate relationships with government ministers, often providing them with fully drafted positions that they in turn direct their UN-based staff to adopt, much of which violates their national law. Without the manpower to sufficiently understand the nuances of UN language, remote government officials readily accept such 'assistance.' Likewise, UNFPA representatives often will provide diplomats with finalized statements to read in negotiations as their national statement, with the full knowledge that these statements contradict that diplomat's country position. In one particular instance, a diplomat was persuaded to read a highly contentious statement on behalf of a large group of countries without the consent of the group. As part of the effort to capitalize on Member State inconsistencies, UNFPA will host remote conferences in which diplomats are subject to intensive advocacy, in addition to a barrage of criticism from non-government organizations, so that they may return to the UN ready to comply with UNFPA objectives, regardless of the positions of the governments that they represent. Diplomats recount attending these 'retreats,' often co-hosted by IPPF or other likeminded organizations, and being named and shamed by the NGOs in attendance simply for defending their national positions.

Every UN document is an opportunity to further its agenda, and UNFPA's track record is evidence of its use of stealthy circumvention or

¹⁰⁹ In particular, examples of conservative African countries endorsing liberal programs that run counter to their national laws and stated positions in UN negotiations are very common, evidence of the success of UNFPA's advocacy efforts; cf. Ministry of Health of the Republic of Malawi, *National Sexual and Reproductive Health and Rights (SRHR) Policy* (Apr. 2009), <http://malawi.unfpa.org/sites/default/files/pub-pdf/SRHR%20POLICY%20FINAL.pdf>; Ministry of Health of the Republic of Kenya, *National Adolescent Sexual and Reproductive Health Policy* (2005), http://www.popcouncil.org/uploads/pdfs/2015STEPUP_KenyaNationalAdolSRHPolicy.pdf.

outright intimidation to achieve its aims. The Agency's activities reveal a tendency to see diplomats as mere individuals to be co-opted, rather than legitimate representatives of sovereign Member States. The power of its advocacy can be seen in the fact that even large, powerful blocs such as the African and Arab Groups, which each represent over fifty countries, fall prey to UNFPA pressure. UNFPA's divide-and-conquer approach jeopardizes Member State unity by threatening the development funding upon which countries are so dependent.

UNFPA gives significant amounts in aid, almost entirely in the area of reproductive health—in 2016, it allocated 180 million USD to 'family planning,' 114 million to 'maternal health,' 87 million to 'sexual and reproductive health,' 50 million to 'sexual and reproductive health in emergencies,' and 20 million to HIV and AIDS.¹¹⁰ It cites that it thereby was able to distribute 268,000,000 male condoms, 7,000,000 female condoms, 34,852,080 injectable contraceptives, and 21,350,104 cycles of oral contraceptives, resulting in 11,700,000 'unintended pregnancies' avoided and \$716,000,000 savings in health care costs around the world.¹¹¹ It commendably gave 15,638 women life-saving surgery for obstetric fistula and trained 5,200 midwives.¹¹² Overall, it claims to have averted 3,680,000 abortions, and prevented 29,000 maternal deaths.¹¹³ It is evident that countries do experience some tangible benefits from the presence of UNFPA, especially when no other services or organizations are present or have the funds to help on the ground in the face of serious maternal health problems. This is especially clear in the area of reproductive health assistance in crisis or humanitarian situations where other assistance is scarce. From the perspective of a poor government, UNFPA funds are desperately needed to stave off maternal mortality and manage the crisis of widespread adolescent pregnancy. Unbeknownst to

¹¹⁰ UNFPA, *Transparency Portal*, <https://www.unfpa.org/data/transparency-portal> (last visited Jul. 25, 2017).

¹¹¹ UNFPA, *Annual Report 2016*, <https://www.unfpa.org/annual-report> (last visited July 25, 2017).

¹¹² *Id.*

¹¹³ *Id.*

many government ministers, the policies of UNFPA often are more detrimental than helpful, but in the face of extreme poverty it is difficult to turn down UN funds—they need the money and suffer greatly without it. Many countries choose to take the money, attempting to negotiate how it will be distributed and hoping to maintain close scrutiny on country programmes. Rejecting UNFPA comes at a tremendous financial price for diplomats and their countries—thus contributing to an insidious cultural and political hegemony that countries cannot ward off, even when it runs contrary to their national will.

4) A new approach to rights

A. The expansion of the human rights-based approach

In recent years, abortion has receded into the background at the UN with the emergence of other issues that engender debate, such as those relating to LGBT. The momentum has pushed past 'reproductive rights' in favour of the more expansive 'sexual and reproductive rights.'¹¹⁴ The majority of African and Arab countries, as well as many others, oppose the inclusion of any language that could be interpreted as supporting 'sexual rights,' and perceive this agenda as a direct and unacceptable threat to their sovereignty.¹¹⁵ Nevertheless, UNFPA, along with other major UN offices, explicitly promotes 'sexual rights,' revealing a continued proclivity to disregard the essential respect for Member State sovereignty upon which the UN was founded.¹¹⁶

In line with this movement, UNFPA has been at the forefront of the creation of a new and sweeping approach to the language of human rights. In addition to security and development, human rights make up one

¹¹⁴ In negotiations, pro-abortion countries often strategically advance both 'sexual rights' and 'reproductive rights' as a package. The result is that countries that defend defending traditional values, confronted by their limited fighting power, often are often forced to accept 'reproductive rights' in order to block 'sexual rights,' which they deem to be more important. Although the 'sexual rights' agenda has not advanced very much in negotiated documents due to Member State resistance, it is this tactic that has resulted in the proliferation of 'reproductive rights' language in recent years.

¹¹⁵ See debate surrounding the adoption of A/HRC/RES/32/2 on protection against violence and discrimination based on sexual orientation and gender identity; *cf.* United Nations, *A/HRC/32/L.2/Rev.1 Vote Item:3 - 41st Meeting 32nd Regular Session of Human Rights Council* (Jun. 30, 2016), <http://webtv.un.org/meetings-events/human-rights-council/regular-sessions/32nd-session/watch/ahrc32l.2rev.1-vote-item3-41st-meeting-32nd-regular-session-of-human-rights-council/5009164455001>.

¹¹⁶ See UNFPA, Joint Statement on Ending Violence and Discrimination Against LGBTI People, by ILO, OHCHR, UNAIDS Secretariat, UNDP, UNESCO, UNFPA, UNHCR, UNICEF, UNODC, UN Women, WFP and WHO (Sept. 29, 2015), <http://www.unfpa.org/press/ending-violence-and-discrimination-against-lesbian-gay-bisexual-transgender-and-intersex#sthash.vASFizgP.dpuf>.

of the three core pillars of the overall UN framework, but it is only recently that it has risen to the prominence we see it being accorded today—partially for authentic reasons regarding the legitimate and much-needed promotion of fundamental human rights, but also as a vehicle to impose controversial agendas on countries under the guise of ‘rights.’ UNFPA’s publications are replete with references to the ‘human rights-based approach,’ as it has been termed, and it also has exerted a push to have this concept included in negotiated texts.¹¹⁷ This is the natural progression in the ‘paradigm shift’ away from overt population control language begun in the 1990s. Initially, it was sufficient to move from population control to a women-centric understanding of ‘reproductive rights,’ but recently, as the UN has begun to eschew the very concept of a gender binary and has focused its efforts on the advancement of ‘sexual rights,’ it follows that the next frontier would be a generic ‘human rights-based approach’ to population.

The ideas governing the ‘human rights-based approach’ are much the same as those behind the earlier ‘reproductive rights’ focus—instead of openly pressuring countries to change their laws, governments are invited to embrace social change in the name of ‘rights.’¹¹⁸ At the core of this approach is the idea that all individuals are rights holders with the power to claim their rights—an idea that is not at all wrong in and of itself; however, in order to achieve UNFPA’s objectives, the key is to encourage individuals to demand from their governments so-called ‘rights,’ which are in reality just perceived entitlements to certain services and lifestyle choices, rather than fundamental human rights guaranteed under

¹¹⁷ UNFPA, *Rights into Action: UNFPA implements Human Rights-Based Approach* (2005), <https://www.unfpa.org/publications/rights-action>; UNFPA, *A Human Rights-Based Approach to Programming* (2010), <http://www.unfpa.org/resources/human-rights-based-approach-programming>; UNFPA, *The Human Rights-Based Approach*, *supra* note 9; Cf. Human Rights Council Res. 32/2, Protection against violence and discrimination based on sexual orientation and gender identity, (Jun. 30, 2016); Human Rights Council Res. 33/18, Preventable maternal mortality and morbidity and human rights, (Sept. 30, 2016); Human Rights Council Res. 33/L.3/Rev. 1, Preventable maternal mortality and morbidity and human rights (draft resolution (Sept. 28, 2016).

¹¹⁸ UNFPA, *The Human Rights-Based Approach*, *supra* note 9.

international law. Just as it did before with the emergent women's voice, UNFPA can point to these calls as evidence of the grassroots nature of these demands, and in this way is exculpated from any criticism of interference in matters of Member State jurisdiction.

B. Civil society advocacy and UNFPA

UNFPA has shown the impact of multiplying its voice through the effective channelling of civil society. As a corollary of the 'human rights-based approach,' the Agency places considerable emphasis on advocacy, particularly for youth, in order to encourage grassroots activism to further its objectives.¹¹⁹ In this way it can give the impression that the next generation of social leaders across the world unreservedly endorses its efforts, ignoring regional variations in views and focusing in particular on youth from developing countries where traditional values remain an obstacle to the Agency's success. This approach is evident in the tactics that UNFPA employs at the UN, in which youth representatives are prompted to take up the mantle of UNFPA as their own and advocate for change.¹²⁰ One example is the Youth Coalition for Sexual and Reproductive Rights, a Canadian-based organization that only recently was granted UN accreditation after being repeatedly rejected by Member States.¹²¹ The organization, which clearly states that its working goal with

¹¹⁹ UNFPA, *Youth participation & leadership*, <https://www.unfpa.org/youth-participation-leadership> (last visited July 25, 2017).

¹²⁰ UNFPA Uganda, *UNFPA Representative meets First Lady Janet Museveni to discuss Maternal Health* (Jun. 15, 2017), <http://uganda.unfpa.org/en/news/unfpa-representative-meets-first-lady-janet-museveni-discuss-maternal-health>, UNFPA Malawi, *Counting on the voices of the majority for development-the youth of Malawi* (Feb. 3, 2016), <http://malawi.unfpa.org/en/news/counting-voices-majority-development-youth-malawi>; UNFPA East and Southern Africa, *Youth leadership & participation*, <https://esaro.unfpa.org/en/topics/youth-leadership-participation> (last visited Jul. 25, 2017).

¹²¹ Press Release, Youth Coalition for Sexual and Reproductive Rights, *Youth Coalition Granted Consultative Status at United Nations following ECOSOC Council Vote* (July 25, 2016), <http://www.youthcoalition.org/un-processes/press-release-youth-coalition-granted-consultative-status-at-united-nations-following-ecosoc-committee-vote>.

regard to UN negotiations is 'to ramp up its advocacy efforts in order to influence the inclusion of young people and their sexual and reproductive rights in the 2030 Sustainable Development Agenda,' is supported financially by UNFPA even though its primary mandate is 'abortion rights.'¹²²

The effect of this combination of advocacy and the amorphous 'human rights-based approach' is to put governments in the position where they must accept UNFPA's initiatives as a matter of 'rights.' If they resist, then they risk being perceived as human rights violators. Regardless of the clamour surrounding these ideas, 'sexual rights,' 'reproductive rights,' and many of the other issue areas pursued by UNFPA and its champions are in no way recognized under international law as authentic 'human rights.' The sweeping 'human rights-based approach' thus flies in the face of the established understanding of what constitutes a fundamental human right as enshrined in the international legal obligations States are required to follow.

C. 'Population dynamics' and the continued pursuit of population restriction

UNFPA remains committed to the same aims as those for which it was founded almost fifty years ago. Although population control long has been replaced by the language of empowerment and rights, the activities of the Agency reveal that its goal is still the restriction of population growth through the promotion of abortion. As noted in its Strategic Plan, the nebulously defined area of 'population dynamics' is a current priority for UNFPA. By linking these dynamics to improving 'sexual and reproductive

¹²² Youth Coalition for Sexual and Reproductive Rights, *Annual Report 2014*, <http://www.youthcoalition.org/wp-content/uploads/Final-YCSRR-2014-Annual-Report.pdf> (last visited Jul. 25, 2017).

health services,¹²³ defined in the ICPD as including abortion,¹²⁴ it is clear that the language may morph with the times, but UNFPA's underlying ambitions remain unchanged.¹²⁵

The language of 'population dynamics' may be subtler, and more in tune with a purported respect for human rights, but it remains highly problematic in that it continues to link fears of impending environmental doom with the need to reduce fertility in the developing world. For instance, although seemingly altruistic, the statement that '[e]nvironmental pressures and high fertility both aggravate poverty in less developed countries and regions'¹²⁶ is but a modern iteration of earlier support for population control. Regardless of whether abortion is explicitly mentioned, calls for 'reproductive health services'¹²⁷ and 'reproductive choice'¹²⁸ in this context are suspect in light of the clear priority UNFPA gives to the importance of reducing fertility. When the Agency states that 'to the extent that the ability to exercise reproductive choice has resulted in consistently lower fertility rates across different contexts, this reduction has in turn been associated with higher economic growth,'¹²⁹ it is obvious that abortion is an essential part of the 'choice' that will reduce population growth and contribute to the economic upturn that UNFPA envisions.

Abortion will always be central to the work of UNFPA, and as a corollary of the push for 'human rights,' the Agency continues to devise new and innovative ways to promote abortion, including the harnessing

¹²³ UNFPA, *The UNFPA Strategic Plan, 2014-2017* 6, <http://www.unfpa.org/sites/default/files/resource-pdf/Strategic%20Plan%2C%202014-2017.pdf> (last visited Jul. 25, 2017).

¹²⁴ *Programme of Action of the International Conference on Population and Development*, 13.14(b).

¹²⁵ UNFPA, *Impacts of population dynamics, reproductive health and gender on poverty* (Jun. 2012), available at: <https://www.unfpa.org/sites/default/files/pub-pdf/UNFPA-Impacts%20on%20Poverty-1.pdf>.

¹²⁶ *Id.* at 23.

¹²⁷ *Id.* at 18.

¹²⁸ *Id.* at 17.

¹²⁹ *Id.* at 17.

of different UN mechanisms such as the Universal Periodic Review (UPR).¹³⁰ As outlined in its Strategic Plan, UNFPA plans to increase its systematic engagement with the UPR, the Human Rights Council entity charged with reviewing the human rights situation of Member States.¹³¹ The UPR is a mechanism within which all UN Member States examine the human rights situations of each other, with each State being assessed and subject to recommendations on a rotational basis once every five years. States also are invited to accept, reject, or defer judgment on recommendations and have the right of reply to concerns raised. The UPR has become one of the most forceful mechanisms of the UN for the promotion of abortion, harshly criticizing countries with abortion restrictions for violating the human rights of women and encouraging mass abortion liberalization.¹³²

UNFPA plans to work with the UPR for the achievement of 'strengthened international and national protection systems for advancing reproductive rights,'¹³³ and commends the UPR for having 'generated a wealth of SRHR ["sexual and reproductive health and rights"] related recommendations to spur national action.'¹³⁴ Furthermore, UNFPA makes clear that it 'stands ready to support...mechanisms so the UPR can contribute to realizing SRHR for all without discrimination.'¹³⁵ Knowing

¹³⁰ UNFPA, *Lessons from the First Cycle of the Universal Periodic Review: From Commitment to Action on Sexual and Reproductive Health and Rights* 15 (2014), https://www.unfpa.org/sites/default/files/pub-pdf/Final_UNFPA-UPR-ASSESSMENT_270814.pdf.

¹³¹ *Id.*

¹³² See, for example: G.A., Rep. of the Working Group on the UPR, Poland, May 2012, https://www.upr-info.org/sites/default/files/document/poland/session_13_-_may_2012/ahrc2114polande.pdf (last visited July 25, 2017); G.A., Rep. of the Working Group on the UPR, Ireland, May 2016, https://www.upr-info.org/sites/default/files/document/ireland/session_25_-_may_2016/a_hrc_33_17_e.pdf (last visited Jul. 25, 2017); G.A., Draft Rep. of the Working Group on the Universal Periodic Review, Uganda, Nov. 2016, https://www.upr-info.org/sites/default/files/document/uganda/session_26_-_november_2016/a_hrc_wg.6_26_l.7_uganda.pdf (last visited Jul. 25, 2017).

¹³³ UNFPA, *Lessons from the First Cycle of the Universal Periodic Review: From Commitment to Action on Sexual and Reproductive Health and Rights* 15.

¹³⁴ *Id.* at 43.

¹³⁵ *Id.*

the undisputed definition of this term, it is difficult to reconcile this ambition with the Agency's ongoing restriction on abortion promotion.

5) Conclusion: Defunding and delegitimizing the work of UNFPA

Whether speaking in terms of ‘reproductive rights’ or ‘human rights,’ for decades UNFPA has proven extremely adept at sidestepping explicit abortion promotion, giving it the illusion of respecting the will of the Member States it serves, in addition to abiding by its foundational mandate to avoid abortion promotion. Even in an era of unabashed abortion enthusiasm at the UN, the Agency remains careful in its handling of the issue, although its activities behind the closed doors of Member State negotiations reveal a different reality. Increasing forays into the realm of overt abortion promotion have made clear that it will stop at nothing to advance the pursuit of an ‘international human right to abortion.’ UNFPA works toward the relentless promotion of this goal both in UN negotiation rooms and on the ground with country programs, leveraging the ambiguities of abortion language and an array of relationships to protect against accusations of breaching its mandate or infringing upon national sovereignty.

Despite the brazen violations of its mandate, UNFPA has been largely immune from sanctions as a result of Member State dependence on its assistance. Its development support renders all but the wealthiest of countries highly vulnerable to pressure and allows the Agency’s activities to go unchecked. That said, countries are waking up to the realities of the gross overstepping of the Agency’s mandate, and responding by restricting funds. In 2016 core contributions were \$45 million lower than 2015, indicating dissatisfaction on the part of Member States.¹³⁶ The Agency has had to increasingly rely on non-core contributions of likeminded Member States and other entities, including

¹³⁶ UNFPA, *Annual Report 2016* 37, <https://www.unfpa.org/sites/default/files/pub-pdf/Annual-Report-2016.pdf> (last visited Jul. 25, 2017).

the private sector.¹³⁷ Overall, its budget is suffering due to the loss of United States support, formerly the Agency's 4th largest donor.¹³⁸ While it has not succeeded in rerouting the Agency's efforts away from abortion, the decision by the United States to defund UNFPA is a significant blow and sends a strong signal that Republican administrations do not endorse the spending of US money for abortion promotion abroad, with a special emphasis on coercive practices.¹³⁹

A curious partnership for reform has emerged in which countries with radically different worldviews are discontented with the Agency's overreach and desirous of reform. In addition to the beleaguered conservative States, pro-abortion Member States are growing increasingly aware of its problems, and have started to blame UNFPA for the repeated failure of several high-level UN processes to obtain consensual outcomes.¹⁴⁰ They understand that had UNFPA not pushed diplomats through its coercive practices to gain more radical language, it might have been possible for these processes to come to a successful conclusion. Given the new spirit of reform sweeping the UN, it is clear that at this time either the continued total defunding of UNFPA or heavily restricted funding contingent on verifiable reform is crucial for real change.

¹³⁷ *Id.* at 137.

¹³⁸ Feliz Solomon, *U.S. Ends Funding for U.N. Reproductive-Health Agency, Claiming Links to Abortion*, TIME (Apr. 4, 2017), <http://time.com/4724227/unfpa-funding-trump-mexico-city-policy-abortion/>.

¹³⁹ At the thirty-fifth regular session of the Human Rights Council in Geneva in June 2017, the United States delegation disassociated itself from abortion-oriented sections of the resolutions on violence against women, discrimination against women, and child, early, and forced marriage, stating that the United States was concerned about the use of the term 'reproductive rights' being used to advance a so-called right to abortion, as well as that the United States did not include abortion in its international family planning and reproductive health assistance.

¹⁴⁰ See Previous Sessions of the Commission on Population and Development 2015, 2017, and 2018, *United Nations Population Division | Department of Economic and Social Affairs*, <http://www.un.org/en/development/desa/population/commission/sessions/index.shtml> (last visited Aug. 6, 2018).

Defunding and delegitimizing the work of UNFPA are the only viable means to put an end to the Agency's oppressive practices. At the core of the problem with UNFPA is a fundamental disregard for the human rights it purports to defend. The Agency has a history of camouflaging its crimes and capturing government support through the provision of essential aid. The last several decades of UNFPA activities have been in essence a massive public relations rehabilitation effort in which it has sought to redeem its fraught beginnings with a revamped image replete with human rights for all. The PR effort is ongoing—for instance, when addressing 'population dynamics' on its website, it makes clear that 'it is essential that these policies be grounded in a fundamental respect for human rights.'¹⁴¹ It goes on to note that '[t]his is especially true when dealing with the protection of the sexual and reproductive health and rights of all people, a sensitive area, and one with enormous implications for population dynamics.'¹⁴² However reassuring this assertion may seem, the history of the Agency's activities demonstrates a longstanding disregard for human rights and a persistent willingness to champion controversial issues in blatant violation of the sovereign jurisdiction of Member States.

Ultimately, the harm inflicted by UNFPA goes beyond mere organizational missteps. In the pursuit of population restriction via unfettered abortion access across the globe, UNFPA has calculatingly set out to defy the founding prohibitions placed upon it by concerned Member States, and in so doing generated devastating human casualties. While it uses the language of 'human rights' to justify its efforts, abortion—the taking of innocent human life at its most vulnerable stage—can never be an authentic human right. International law upholds the fundamental importance of the right to life, and in no way compels governments to ensure access to abortion. By seeking an upheaval of the current status of international law on this issue, the work of UNFPA violates the very

¹⁴¹ UNFPA, *Population dynamics and policies* (2014), <http://www.unfpa.org/resources/populatiodynamics-and-policies#sthash.xloH9o7z.dpuf>.

¹⁴² *Id.*

essence of the international human rights system, and until corrected, threatens the legitimacy and sustainability of the entire UN project.



ADF INTERNATIONAL

ADF International is an alliance-building human rights organization that advocates for the right of people to freely live out their faith. With headquarters in Vienna, and offices in Brussels, Geneva, Strasbourg, London, New York City, Washington DC, and Mexico City, we are at the forefront of defending religious freedom, the sanctity of life, and marriage and family worldwide.

We operate at institutions of strategic international importance—the United Nations, the European Union, the Council of Europe, the Organization of Security and Cooperation in Europe, the European Court of Human Rights, and the Organization of American States—while also working alongside Member States to protect the fundamental values that these organizations were founded to uphold. ADF International’s influence at these key institutions means we are instrumental in shaping policy around the world.

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