



**Conseil économique
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DROITS ÉCONOMIQUES, SOCIAUX ET CULTURELS

Lettre datée du 16 avril 2004, adressée au Président de la Commission des droits
de l'homme par la Mission permanente des États-Unis d'Amérique
auprès de l'Office des Nations Unies à Genève

Au nom des États-Unis, je vous écris pour vous faire part de notre préoccupation au sujet du rapport du Rapporteur spécial sur le droit de toute personne de jouir du meilleur état de santé physique et mentale susceptible d'être atteint (E/CN.4/2004/49).

Je vous serais reconnaissant de bien vouloir faire distribuer le texte de la présente lettre* en tant que document officiel de la Commission des droits de l'homme.

L'Ambassadeur,
Chef de la délégation
(Signé) Richard S. **Williamson**

* Reproduite en annexe telle qu'elle a été reçue, dans la langue originale seulement.

Annex

As you know, the United States did not support the creation of the position of this special Rapporteur. One reason was the lack of clarity of the Special Rapporteur's mandate. Our concerns are underscored by the wide-ranging mandate he has given himself. The Report relies heavily on his personal interpretation of international instruments in relation to sexual and reproductive health issues, rather than lending a needed holistic insight to the implementation of the full range of topics contained within the International Conference on Population and Development Programme of Action (ICPD POA) and other health-related outcomes of recent United Nations world conferences.

For instance, to illustrate the goal of the Report, the Special Rapporteur "recommends that increased attention be devoted to a proper understanding of reproductive health, reproductive rights, sexual health and sexual rights" despite the well-known fact that the international community has never recognized nor defined the term "sexual rights." Thus, the United States cannot accept the Special Rapporteur's assertion in the Report that "the correct understanding of fundamental human rights principles, as well as existing human rights norms leads ineluctably to the recognition of sexual rights as human rights".

The Special Rapporteur's Report appears to be endorsing, supporting, or promoting an international right to abortion and the use of abortifacients. We cannot accept the numerous references to "reproductive and sexual health services" in this report – a phrase often interpreted to include abortion and abortion services. The U.S. Government does not support, promote, or endorse abortion or abortifacients. The United States fully supports the principle of voluntary choice with regard to family planning. We strongly believe that in no case should abortion be promoted as a method of family planning, and that women who have recourse to abortion should in all cases have humane treatment and counseling provided for them. We also support the treatment of women who suffer injuries or illnesses caused by legal or illegal abortion, including, for example, post-abortion care, and do not place such treatment among abortion-related services.

Finally, we also object to the special Rapporteurs repeated references throughout his report to the so-called "right to health". Through repetition (86 times in the report) the Special Rapporteur attempts to create by *fiat* a "right to health" that the international community has never accepted, rather than the internationally accepted right expressed in his carefully negotiated title: "Special Rapporteur on the right of every one to the enjoyment of the highest attainable standard of physical and mental health." Such efforts by the Special Rapporteur clearly exceed his mandate and his competence. We would remind the Special Rapporteur, through you, of his duty to use this correct formulation, both in reference to his title, and to his work.
