

Abortion a human right?

On Monday 8 September 2025, the House of Representatives will consider the initiative note *Access to abortion is a human right* by D66 members Sjoerdsma and Paulusma.¹ In this own-initiative note, they call on the government, among other things, to join like-minded countries in advocating for the enshrinement of the right to abortion in the Charter of Fundamental Rights of the European Union and in the International Covenant on Civil and Political Rights. In doing so, they aim to improve access to abortion worldwide.

Their appeal to the government is prompted by concern over the fact that 39,000 women worldwide die each year because of unsafe abortion. This is comparable to the total number of residents of the municipality of Wageningen, they argue. Of course, it is deeply regrettable that women die from unsafe abortion provocatus. But shouldn't we also be concerned about the astronomical numbers of unborn children whose lives are ended by abortion? Between 2021 and 2023, the annual number of abortions in the Netherlands rose from 31,049² to 39,332.³ In the United States, the number of abortions in 2020 was estimated at 930,160, meaning that about one-fifth of all pregnancies ended in abortion.⁴ Globally, this happens in 29% of all pregnancies and the annual number of abortions is about 73 million.⁵

The World Health Organization lists ischaemic heart disease as the leading cause of death (9 million deaths by 2021). But shouldn't we conclude that abortion is the biggest cause of death? This is where the fact that the foetus developing in the womb and even the newborn child are not seen as a human person avenges itself. The biologically human being would only be a person if it has self-awareness and can think. That the embryo is a human person from fertilization onwards cannot be proven. However, it is difficult to conceive that the embryo would not be a human person from human fertilization onwards, because from that moment the DNA is fixed that will determine its hereditary characteristics throughout its life. And even if the embryo would not be not an actual human person, it is at least a potential human person. Then, from fertilization onwards, the rights of the person who will emerge from the embryo through further development must be considered. "The human being must be respected and treated as a person from the moment of conception; and therefore, from that same moment its rights as a person must be recognized, including first and foremost the inviolable right to life of every innocent human being" (*Evangelium vitae*, no. 60).

¹ W. Paulusma, *Access to abortion is a human right*, see: https://d66.nl/wp-content/uploads/2024/11/Initiatiefnota_abortus_4.pdf

² *Annual report 2021 Termination of Pregnancy Act (Wafz)*, September 2022, see: <https://www.igj.nl/publicaties/jaarverslagen/2022/09/22/wafz-2021>

³ *Annual report 2023 Termination of Pregnancy Act (Wafz)*, November 2024, see: <https://www.rijksoverheid.nl/documenten/rapporten/2024/11/06/jaarrapportage-2023-wet-afbreking-zwangerschap-wafz>

⁴ Guttmacher Institute, *Long-Term Decline in US Abortions Reverses, Showing Rising Need for Abortion as Supreme Court Is Poised to Overturn Roe v. Wade*, 15 June 2022, see: <https://www.guttmacher.org/article/2022/06/long-term-decline-us-abortions-reverses-showing-rising-need-abortion-supreme-court>

⁵ World Health Organization, *Abortion*, 17 May 2024, see: <https://www.who.int/news-room/fact-sheets/detail/abortion>

This objective fundamental right to life is granted to man by the Creator. He gives man a unique essential dignity by creating him in His image and likeness (Gen 1:26-27). God is therefore the source of man's objective rights, including the right to life.

However, if God is not recognized as Creator, then the State becomes the body that determines what rights are due to people. By realizing legal opportunities for abortion, the right to life of unborn human beings is affected.

Abortion has not been legalized in the Netherlands. It is still banned (Penal Code, art. 296(1)). Abortion is not punishable but only if it is performed by a doctor in a hospital or clinic or by a general practitioner who prescribes an abortion pill under the Termination of Pregnancy Act (art. 296(5)). The formal ban on abortion still has a certain protective effect for the unborn child. The D66 proposal aims to remove abortion from the criminal law and make it a fundamental right in the Netherlands and other like-minded countries. This is expected to increase access to what is called a safe abortion. In France, that right was already enshrined in the constitution on March 4 last year.⁶

The fact that abortion is still banned in principle in the Netherlands also offers protection to doctors who have principled objections to performing abortions and refuse to cooperate. The Termination of Pregnancy Act explicitly states that no one is obliged to perform or cooperate with an abortion (art. 20(1)). Declaring abortion a fundamental human right implies that doctors and healthcare providers who refuse abortion based on conscientious objections would deny women the right to care and the right to abortion. This will undermine the freedom of conscience of healthcare workers.

The D66 proposal to make abortion a fundamental human right means that the State by its legislation or a group of States by international treaties grants the woman the right to self-determination over her own body. This right would also give her the right to end the life of her unborn child by abortion. In today's culture, the emphasis is on subjective rights, namely the right to do something and decide autonomously, here to have the unborn child killed by abortion. Within the creation order, it is about objective rights, which the Creator grants to human beings and should therefore be respected.

Moreover, abortion is not about the woman's self-determination over her body. She disposes of the life of someone else, her unborn child, a current human person or a potential future human person.

The Termination of Pregnancy Act already implies a violation of the fundamental right to life of unborn children. Declaring abortion a human right simply denies this right. However, it is not for the State, even by a democratic majority, to negate the fundamental right to life that the Creator has granted to human beings, including the unborn. John Paul II says: "Does not a parliamentary or social majority, when it approves the legality of the killing of unborn human life carried out under certain conditions, sometimes take a 'tyrannical' decision against the weakest and most defenseless human being?" (Evangelium vitae, no. 70).

⁶ *Texte intégral de la Constitution du 4 octobre 1958 en vigueur*, art. 34: "La loi détermine les conditions dans lesquelles s'exerce la liberté garantie à la femme d'avoir recours à une interruption volontaire de grossesse," see: <https://www.conseil-constitutionnel.fr/le-bloc-de-constitutionnalite/texte-integral-de-la-constitution-du-4-octobre-1958-en-vigueur>

So, what should be done? Women who have unwanted pregnancies are often left to their own devices. The man who fathered the child and also her family often insist on abortion. She should not be offered a right to abortion, but a helping hand to enable her to carry the pregnancy to term. It is then up to her to decide whether she wants to keep the child or give it up to adoptive parents. The Catholic Church calls for a culture of life in which both mother and child, including the unborn child, are surrounded with love and care.

Utrecht, 5 September 2025

+ Willem Jacobus Cardinal Eijk

Archbishop of Utrecht and referent for medical-ethical issues on behalf of the Dutch Bishops' Conference