

Stqarrija mill-Fondazzjoni Life Network u l-Malta Unborn Child Platform dwar Protest Ġudizzjarju ta' attivisti favur l-Abort

Il-gruppi li qed jiffirmaw din l-isqarrija jisimgħu b'rispett u mħabba l-vučijiet imħassba dwar it-tbatija u perikli li tista' ġġib tqala meta tkun ta' periklu għall-ħajja tal-mara, imma wkoll il-vučijiet siekta tat-trabi li għad mhux imwielda li jistgħu jitilfu ħajjithom bl-abort. Ninnutaw li għall-15 ta' Ġunju 2022, grupp ta' attivisti favur l-abort ipprezentaw **protest ġudizzjarju** fejn sostnew li il-fatt li Malta ma tippermettix l-abort jikser id-drittijiet fundamentali tagħhom.

B'rispett, insostnu li dan mhux minnu.

Kuntrarjament għal dak li hemm fil-protest, il-Konvenzjoni Ewropeja tad-Drittijiet tal-Bniedem **ma tirrikonoxxi xi dritt fundamentali għall-abort**. Ebda sentenza tal-Qorti Ewropeja tad-Drittijiet tal-Bniedem ma qatt iddeċidiet illi l-artikolu 8, id-dritt għall-privatezza, jinkludi id-dritt għall-abort. Wisq anqas ma qatt qalet li il-fatt li ma jkunx permess abort jammonta għal **trattament inuman jew degradanti jew diskriminatorju**.

Lanqas l-**Unjoni Ewropeja** ma qatt tindaħal f' materja bħal din, li skont it-Trattati tal-istess Unjoni, hija kompetenza tal-Istati membri skont il-prinċipju **tas-sussidjarjeta'** u mhux tal-Unjoni Ewropeja.

Waqt li dawn l-attivisti għamlu asserzjonijiet żbaljati u jagħtu l-impressjoni li il-liġi internazzjonali u trattati internazzjonali jirrikonoxxu id-dritt għall-abort, dan mhux minnu. **Ebda trattat internazzjonali ma jirrikonoxxi bhala dritt fundamentali id-dritt għall-abort**. Anzi il-Konvenzjoni Amerikana tad-Drittijiet tal-Bniedem tirrikonoxxi id-dritt tal-ħajja sa mill-mument tat-tnissil.¹

¹ Art. 4 (1) Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception.

L-attivisti li għamlu il-protest konvenjentement naqsu milli jsemmu li il-Qrati Maltin irrikonoxxew id-drittijiet fundamentali tat-tarbija mhux mwielda. Dan ġara fil-każ *Emilio Persiano kontra Kummissarju tal-Pulzija* (Awwissu 2000) fejn il-Qorti irrikonoxiet id-drittijiet civili u kostituzzjonali tat-tarbija mhux mwielda; b' kuntrast għal dak allegat fil-protest. Din is-sentenza ma ġiet qatt mibdula jew revokata.

L-attivisti jgħidu li il-fatt li mhux permess f' Malta li jinqatlu trabi mhux mwielda u tiġi terminata t-tqala, taffetwa "**il-kwalita' tal-hajja**" tagħhom. Fil-verita, kieku kellu jidhol l-abort tiġi mhux affetwata iżda **meqruda il-hajja** tat-tarbija mhux mwielda. Hu konvenjenti li wieħed jinsa id-drittijiet ta' min ma għandux vuċi u tad-dgħajfef. Il-ligi għandha l-obbligu li tħares lil min ma għandux vuċi.

Ma teżisti ebda **diskriminazzjoni** bil-fatt illi f Malta ma hawnx abort. Hadd f' Malta ma jista jipparteċipa fil-qerda ta' tarbija mhux mwielda. Il-ligijiet kriminali huma min-natura tagħhom stess territorjali u japplikaw biss għal Malta. F'Malta hadd ma jista jagħmel l-abort hu min hu irrispettivament mil-mezzi finanzjarji tiegħu.

Lanqas ma hemm **trattament inuman u degradanti** bil-fatt li Malta ma tippemrettix l-abort. Ikun inuman u degradanti jekk wieħed jippermetti li hajja umana tinqered taht l-iskuża ta' dritt li wieħed jagħmel li jrid mill-ġisem tiegħu. Dan id-dritt ma jsita' qatt jimpingi fuq id-dritt tal-hajja ta' haddiehor.

Fi protest gudizzjarju il-grupp ta' tobbja favur l-abort, qed jipproponu li jkun jista' jsir abort meta il-hajja tal-omm tkun fil-periklu minhabba it-tqala . Dan diga' huwa permess fil-ligi tagħna tant hu hekk li hadd qatt ma ttella' il-Qorti fuq hekk. Izda fil-protest din l-ghaqda favur l-abort tipproponi li l-artikolu fil-Kodici Kriminali dwar l-abort jitnehha kompletament. Dan ikun ifisser li l-abort fuq semplici rikjesta (*on demand*) ikun jista' jsir anki fl-ahhar xahar tat-tqala, bil-konsegwenza li jkollna l-iktar ligi liberali dwar l-abort fl-Ewropa!

Nsostnu l-obbligu tat-tobbali li jagħtu kura massima lill-mara f'każi ta' tqala riskjuza għal haġġitha. Kazijiet simili dejjem gew trattati u l-ebda mara ma thalliet f'riskju minhabba tqala, anke jekk sussegwentement intilfet it-tarbija. Imma naffermaw li, fl-aħħar mill-aħħar, ikun egoistiku jekk aħna li twelidna, minhabba l-bżonnijiet tagħna, irridu li tarbija li tkun f'guf omma, kif aħna konna darba, ma tgawdix id-dritt għall-ħajja li aħna l-lum qed ingawdu.

A reaction to the Judicial Protest of Abortion Activists by Life Network Foundation Malta and Malta Unborn Child Platform

We, the signatories of this statement, follow with respect and love, the voices of concern about the suffering and dangers that a risky pregnancy can bring, but we also acknowledge the silent voices of unborn children who may lose their lives in an abortion. We note that on June 15, 2022, a group of pro-abortion activists filed a judicial protest claiming that the fact that Malta does not allow abortion violates their fundamental rights.

We respectfully say that this is untrue. Contrary to what is written in the protest, the European Convention on Human Rights does not recognize any fundamental right to abortion. No ruling by the European Court of Human Rights has ever ruled that article 8, the right to privacy, includes the right to abortion. Nor did it ever say that not allowing an abortion amounts to inhuman or degrading treatment or discrimination. Nor does the European Union ever interfere in such a matter, which, according to the Treaties of the same Union, is a competence of the Member States, in accordance with the principle of subsidiarity and not of the European Union.

While these activists have made erroneous assertions and give the impression that international law and international treaties recognize the right to abortion, this is

not true. No international treaty recognizes the right to abortion as a fundamental right. On the contrary, the American Convention on Human Rights recognizes the right to life from the moment of conception.²

Protesters who conveniently protested, failed to mention that the Maltese courts had recognized the fundamental rights of the unborn child. This happened in the case of *Emilio Persiano v. Commissioner of Police* (August 2000) where the Court recognized the civil and constitutional rights of the unborn child; in contrast to that alleged in the protest. This sentence has never been changed or revoked.

Activists say that the fact that the killing of unborn babies or the terminating of a pregnancy is not allowed in Malta, affects their "quality of life". In truth, if abortion were to be legalised, it would not only affect the life, but rather, it would **eliminate** the life of the unborn baby. It is convenient to forget the rights of the voiceless and the weak. The law has an obligation to protect those who have no voice.

There is no discrimination in the fact that there is no abortion in Malta. No one in Malta can participate in the destruction of an unborn child. Criminal law is by its very nature territorial and therefore applies only to Malta. In Malta no one can have an abortion, no matter who they are, regardless of their financial means.

There is neither inhuman nor degrading treatment in the fact that Malta does not allow abortion. It would be inhuman and degrading to allow human life to be destroyed under the pretext of a right to do what one wants with one's body. This right can never affect the right to life of another.

In a judicial protest, the group of doctors in favour of abortion, are proposing that an abortion can be performed when the mother's life is in danger due to the pregnancy. This is already allowed in our law, so much so, that no one has ever

² Art. 4 (1) Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception.

been gone to Court. However, in the protest, this pro-abortion group proposes that the article in the Criminal Code on abortion be removed altogether. This would mean that “on-demand” abortion could take place, even in the last month of pregnancy, with the result that we would end up with the most liberal abortion laws in Europe!

We support the obligation of doctors to provide maximum care to a woman, especially in cases of a risky pregnancy or when the woman’s life is in danger. In such cases, women have always been treated with the highest level of care, and no woman has ever been left at risk due to her pregnancy, even if the baby is subsequently lost. We confirm that ultimately, it would be selfish if we, who are already born, decide, that due to our own egoistic needs, that others, who are in their mother’s womb, as we once were, may not enjoy the right to life that we are enjoying today.

Signed:

Dr Miriam Sciberras



Mr. Anthony Mifsud

