

CATHOLIC WOMEN'S LEAGUE STATE OF QUEENSLAND INC



A Member Organisation of CWLA Inc.

For the Honour and Glory of God

Abortion Law Reform (Women's Right to Choose) Amendment Bill 2016 and Inquiry into Laws Governing Termination of Pregnancy in Queensland

**Submission by the Catholic Women's League
State of Queensland Inc.**

30 June 2016

1. Introduction

Catholic Women's League State of Queensland Inc. is the state peak body representing the CWLA in Queensland. We are a Non-Government Organisation and are a member organization of the Catholic Women's League Australia Inc. (CWLA), the national peak body representing the League's six member organisations located throughout Australia. One of CWLA's four principle aims is to influence legislative and administrative bodies at all levels of government in order to preserve the dignity of the human person. Given our focus we feel compelled to contribute a submission to this particular inquiry.

2. Catholic Social Teaching

The CWL State of Queensland looks to the Catholic Church's social teaching, which we believe to be a rich source of wisdom and guidance about building a just society and living an ethical life amidst the challenges of modern society. Our social teachings are articulated through a tradition of papal, conciliar, and episcopal documents.

One important social teaching theme relates to that of the "life and dignity of the human person". The Catholic Church proclaims that human life is sacred and that the dignity of the human person is the foundation of a moral and ethical vision for society. We believe that the human life should be at all stages of its being valued and protected. It is our strongly held belief that each and every person, whether existing within or outside the womb, is precious and should be protected to ensure his or her survival.

3. Human Rights Framework

There are a number of international human rights instruments, which we believe support the rights of the unborn person. These are as follows:

Article 3 of the Universal Declaration of Human Rights states unequivocally that "everyone has the right to life, liberty and security of person". No differentiation is made between the unborn and the born.

Article 6 of the Convention on the Rights of the Child states at article 1 that "State Parties recognize that every child has the inherent right to life" and at article 2 "State Parties shall ensure to the maximum extent possible the survival and development of the child".

The International Covenant on Civil and Political Rights states at Article 6 (1) that "every human being has the inherent right to life"; that "this right shall be protected by law"; and "that no one shall be arbitrarily deprived of his life".

Considering these various provisions as contained in international human rights law it is clear that the unborn child should be afforded every protection for its development and survival. There is nothing in the above provisions, which defines a child as a being who has been born. It is our belief and submission that the unborn child is every much a human being and a child who should be afforded the same rights and protections as those afforded to the child who has been born. The various human rights conventions do not, by contrast, support the notion of the right of a woman to abort an unborn fetus. It is our submission that an ordinary reading of these relevant human rights conventions would support our interpretation of the law that supports the rights of the unborn.

4. The Adverse Affects of Abortion on Women

The current senate inquiry seeks to repeal certain legislation that criminalises the act of abortion so that women seeking an abortion will no longer face potential prosecution. We at CWL State of Queensland believe that easy access to abortion without any criminalization opens a free and easy door for women to access abortion without considering the consequences, on themselves, their families and the unborn child. By leaving the current provisions in the act women are made to think carefully before taking the decision to proceed to an abortion. The provisions enable a woman to consider that proceeding with an abortion is not the only option and, if it has criminal implications, may help the pregnant woman to take stock of their situation and work out more beneficial ways to proceed with an unwanted pregnancy.

In seeking to introduce the Abortion Law Reform (Women's Right to Choose) Amendment Bill Mr. Pyne stated that "nearly a third of women will seek an abortion over their lifetime". We are unsure from where Mr. Pyne has obtained this statistic. If this is the current state of affairs for women in this country then it is a shocking statistic and calls for urgent action to be taken to ensure that better, safer and more positive options are available for pregnant and their unborn children. Instead of seeking to reduce this statistic the approach that is being taken by the introduction of the bill seems to be supporting or even encouraging women to continue taking the abortion route rather than exploring other options and reducing this statistic.

Leaving the current provisions criminalizing abortion without amendment ensures that women will think twice before pursuing abortion. If the law is criminalizing the act it is more likely that the pregnant woman will rethink taking the abortion route. Whether one is pro choice or pro life, it cannot be denied that abortion is a difficult and problematic option to pursue for all concerned.

It is our submission that instead of investing efforts in making abortion an easy option to pursue, the government needs to invest time and resources in developing information, education and support services for women with unwanted pregnancies.

It is well known that it is very difficult to adopt a child in this country¹. Many people face fertility problems and try relentlessly to overcome their fertility challenges so as to conceive and have children. For all the unborn children who are aborted, many could be adopted and given to people who are unable to have their own children. It is incomprehensible how abortion can be accepted and even promoted when there are so many families in this country who are both willing and able to adopt unwanted children but do not have the opportunity to do so.

¹ Found on 23 June 2016 at <http://www.news.com.au/lifestyle/parenting/kids/hes-my-son-how-one-family-beat-the-odds-with-adoption-at-record-low-in-australia/news-story/11f8fa23444ddb3d81c1c4d6dfe4990>.

Our other concern with regards to abortion is the research, which supports our belief that the practice of abortion ultimately harms not only the unborn child but the woman herself. Women who undergo abortion frequently suffer psychological and mental health issues as a consequence of having undergone an abortion. The effects are often long-term and have a deep lasting impact². Undergoing an abortion is not a procedure that is comparable to having a dental or basic medical procedure, as it often portrayed in popular media. There are far reaching consequences that cannot be easily forgotten.

We believe that there are also physical repercussions from undergoing an abortion. Evidence suggests that some women can suffer adverse fertility implications, making it difficult for women to fall pregnant in the future³.

5. Support for Women who are Facing an Unwanted Pregnancy

Women who face an unwanted pregnancy should never be ostracized, vilified, or isolated. Instead, as a society, we should support and care for them, and help them to understand what positive options are available to them. Below are some possible solutions that could be funded and promoted:

a. Counseling

More funding should be focused on providing women facing unwanted pregnancy with counseling regarding non-abortion options so that they can identify the best solution that they can access given their own personal circumstances;

² For example, "*Mental Health and Abortions: Review and Analysis*," Philip G. Ney and A. Wickett, *Psychiatric Univ. Ottawa* 14(4): 506-516, (1989) contains conclusions including that there is no satisfactory evidence that abortion improves the psychological state of people who are not mentally ill and that there is a high rate of complications subsequent to an abortion including pelvic inflammatory disease and subsequent infertility.

³ For example, "*The effect of induced abortion on subsequent fertility*," P Frank et al, *Br J Obstetrics and Gynecology* 100:575, 1993. In a follow-up analysis of British women who had an induced abortion compared to women whose last pregnancy had a natural outcome, it was found that at the end of 12 months 89% of the abortion group achieved a pregnancy compared to 93.3% on the non-abortion group. This appeared to have statistical significance.

b. Education, Training and Information

Education, training and information should be provided to pregnant women so that they have access to information about their options and can choose the optimal, non-abortion solution that they wish to pursue. Options can include adoption, foster care, or choosing to parent their child.

It is our belief that more women would opt for non-abortion options if they knew more about the services available to them and were supported to access those options.

6. Pregnancies Resulting from Rape or Incest

We appreciate that there are abhorrent situations where an unwanted pregnancy will most likely cause a high degree of psychological trauma and stress for the mother. This is particularly the case where the conception is the consequence of a rape or an incestuous relationship. Women facing such situations deserve the highest level of compassion and support and it is imperative that the supports that they need should be offered to them both throughout the pregnancy and after the child is born. We do not believe that an abortion will make the situation better for the mother in terms of coming to terms with the pregnancy and the horrific trauma she was forced to face that resulted in the pregnancy. We believe that all women deserve much better and that there are better, more helpful solutions that are available to them than that which is offered by abortion. Abortion is not a solution: rather it ends up creating greater suffering and problems than existed at the onset.

7. Response to Mr. Pyne's Speech to Introduce the Bill

There are a number of comments and points that were made by Mr. Pyne in introducing this bill, which we would like to respond to:

i. Women Opting for Self Abortion

A quote was taken from Children by Choice stating that there had been 118 contacts relating to self-abortion or threats of abortion in the past year. This is a very alarming statistic and it is clear that something needs to be done to address this problem.

However, women should be offered better options and support than abortion, whether it be a self-abortion or a legal abortion. Making the abortion procedure legal does not detract away from the need to find more effective and less damaging options for women and their unborn children.

ii. Description of Abortion belonging in the 19th Century

Another quote describes the current legislation as being "way, way out of date and belongs in the 19th century" and that "we're practicing medicine in the 21st century". This is a subjective opinion. Given the damage that a woman can suffer from abortion, whether it is legal or otherwise, we do not believe that advocating for better options is an attitude that "belongs in the 19th century" but is rather a very legitimate concern.

iii. "Abortion is a Personal and Not a Matter for the State"

Mr. Pyne stated that "it is my position that when a young woman is not ready to have a child and chooses to terminate a pregnancy that should be a matter for her and her medical practitioner, not a matter for the state". The protection of children is provided by Australian law. We do not agree with this statement, as it is our contention that even the unborn child deserves the protection of the law.

This is not an easy issue to decide upon and we understand that there can be differing, often polar opposite positions on this issue. But we feel that it is an issue of utmost importance, and thus we felt compelled to articulate our stance on this matter. We accordingly request that you take our concerns into consideration when deciding upon the best course of action to take in relation to amending the current law.

We wish the committee well in its deliberations and trust that you will arrive at the right decision.

Yours sincerely,

Veronica Box

President

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