

# CATHOLIC WOMEN'S LEAGUE STATE OF QUEENSLAND INC



A Member Organisation of CWLA Inc.

*For the Honour and Glory of God*  
**63 Point Cartwright Drive, BUDDINA. Q 4575**

**Health (Abortion Law Reform)**

**Amendment Bill 2016**

**Submission by the Catholic Women's League**

**State of Queensland Inc.**

October 2016

## **1. Introduction**

Catholic Women's League State of Queensland Inc. is the state peak body representing the CWLA in Queensland. As a member-of the Catholic Women's League Australia Inc. (CWLA), the national peak body representing the League's six member organisations located throughout Australia we have Consultative Status with the Economic and Social Committee of the United Nations (ECOSOC), as a Non-Government Organisation. 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 very much a human person 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. Submission of a Previous Submission to the Abortion Inquiry**

We note that the CWL Queensland has already submitted a submission to the Abortion Law Reform (Women's Right to Choose) Amendment Bill 2016 and Inquiry into Laws Governing Termination of Pregnancy in Queensland. In considering the current inquiry we request that our previous submission be taken into consideration. We will therefore limit our current submission to the specific terms of inquiry into the Health (Abortion Law Reform) Amendment Bill 2016, which have raised the following points:

**(i) Only a doctor may perform an abortion: a person who is not a doctor (or a registered nurse administering a drug to perform an abortion under the direction of a doctor) would commit an offence.**

As we have stated in our previous submission we believe that the act of abortion should be completely prohibited and continue to be a contravention of the law. Thus, no one, whether they be a doctor or otherwise for the reasons we have already provided in our previous submission, should be authorized to perform an abortion.

**(ii) A woman does not commit an offence by performing, consenting to or assisting in an abortion on herself**

It is our submission that the person who should be prosecuted in cases where abortions take place should be the abortion provider. There are situations where women who undergo abortions are vulnerable and are unaware of the full options that are available to them. It is the abortion provider who should be held responsible for contravention of the law on this area, if the provision of abortions continues to be illegal. This should be clarified in the legislation and should be the principle focus of the law. The act of abortion should continue to be an illegal act for both the woman and the provider with the main emphasis focusing on penalizing the provider. This should include the supply of chemical abortions such as RU 486.

**(iii) An abortion on a woman who is more than 24 weeks pregnant may be performed only if two doctors reasonably believe the continuation of the woman's pregnancy would involve greater risk of injury to the physical or mental health of the woman than if the pregnancy were terminated**

As we have articulated in our previous submission to the abortion inquiry it is our belief that an abortion should not be performed nor permitted by law under any circumstances. However, if abortion were to be legalized we submit that common sense should prevail and that an abortion should never be performed on a woman after she is more than 24 weeks pregnant. After week 24 an unborn child is considered viable, with 36% of babies able to survive premature birth at 24 weeks<sup>1</sup>. It therefore stands to reason that aborting a child at such an advanced age is tantamount to terminating the life of a child that can live independently of its mother. The implications are particularly serious. By permitting such an action to take place we, as a society, are effectively negating the rights of children to life. We are concerned that in Victoria, for example, the second doctor does not have to even meet the pregnant woman and can also be an abortion provider, which we believe to be a serious conflict of interest.

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<sup>1</sup> < [REDACTED] last viewed at 18 September 2016.

**(iv) Conscientious objection: no-one is under a duty to perform or assist in performing an abortion; however a doctor has a duty to perform an abortion if it is necessary to save a woman's life or prevent serious physical injury. Also, a registered nurse has a duty to assist in such circumstances.**

It is evident from the submissions received to the first abortion inquiry that there are many citizens of this country who are vehemently opposed to the existence of the practice of abortion. This would encompass a portion of medical practitioners, particularly those practitioners who are of a particular religious persuasion. Abortion is becoming increasingly accepted in modern day society and there are women and medical practitioners who may condone its practice. However, this particular provision is particularly draconian in that it would force medical practitioners, be it doctors or nurses to act against their religious and/or spiritual convictions. Furthermore, we believe that it is not the job of the medical practitioner to decide which life is more important to save, i.e. whether it be the mother or the unborn child. We believe that the suggested obligation on medical practitioners is a complete contravention of the Hippocratic oath to help human life and do no harm. It should be noted that this situation is exceedingly rare in modern medicine and obstetric care. It should also be noted that were the mother's health to be so severely affected by the situation here proposed, the performance of surgery and general anesthetic would also constitute a threat of high maternal mortality and morbidity.

We are concerned that the words "necessary to save a woman's life" has an ambiguous meaning. For example, a similar provision was relied upon in Victoria when a woman aborted a child who had dwarfism because she could not bear the thought of having a child with such a condition. We believe that this provision would be exploited and misread to the detriment of the unborn child.

**(v) Patient protection or ‘safe zones’: a protected zone of at least 50 meters must be declared around an abortion facility; certain behaviour, e.g. harassment and intimidation, is prohibited within a protected zone. Publishing images of a person entering, leaving or trying to enter or leave an abortion facility is prohibited.**

It is important that women who choose to have an abortion are able to access the information they may need to make an informed choice, given the extreme seriousness of undertaking an abortion procedure. While we agree that women who approach an abortion clinic should not be physically or verbally assaulted (as this would be inconsistent with the teachings of the Bible particularly of Jesus who taught us to combat harm and wrong practices with love), we believe that there is a place for pro-life believers to provide women entering into an abortion clinic with information that they may need in order to make an informed decision. Some women due to a lack of education or information may not be aware of their options at all and the approach by a pro-life activist may be the first opportunity that they may have of receiving information. It is our contention that many abortion providers fail to provide such important information and that many women who undergo abortions often end up regretting the decision they have made to go through with the abortion. Both State and Federal Government also fail to provide positive, pro-life information to women who are wavering in their decision or contemplating abortion. Furthermore, there have been instances where people have been arrested for praying outside an abortion clinic<sup>2</sup>. As Christian women we believe that advocates for the child should have the opportunity to pray for the unborn child and that this is completely consistent with a democratic society, which permits freedom of religion as well as freedom of expression. Lastly, we note that acts of harassment, intimidation, and the publication of unauthorised images are already recognised as illegal activities under state law, whether or not they occur within 50 metres of an abortion facility and thus we question the necessity of including this prohibition.

<sup>2</sup> < [REDACTED] > last viewed 18 September 2016.

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

Yours sincerely,

Veronica Box

President

Catholic Women's League State of Queensland Inc

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