Submission of Catholics for Choice in response to request for

General Comment on Article 6 (Right to Life) of the International Covenant on Civil and Political Rights

July 2015

Human Rights Committee

Submitted by:

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Catholics for Choice is grateful for the opportunity to offer this submission to the Human Rights Committee ahead of its half-day of general discussion on the preparation of a General Comment on Article 6 of the International Covenant on Civil and Political Rights (the Covenant).[[1]](#endnote-1) This general comment offers the Committee an opportunity to more fully examine the right to life, including through the consideration of the principles of gender equality and nondiscrimination, and further elaborate on states’ obligations to ensure the realization of women’s right to life.

Catholics for Choice urges the Human Rights Committee to clarify in its General Comment No. 36 that the scope and nature of the duty to respect and ensure the right to life guarantees the right to a dignified life and shall not place rights of the unborn above the rights of women. Catholics for Choice supports policies that do not diminish respect for women’s lives. We cannot support policies that would interfere with a woman acting, in good conscience, upon her beliefs about whether prenatal life is a person or whether continuing or terminating a pregnancy is the right decision for her.

We encourage the Human Rights Committee to ensure that General Comment No. 36 addresses states parties’ obligations to respect and ensure the right to life of women, including:

1. Duty to guarantee the conditions for a dignified life, including through the provision of sexual and reproductive health services that are responsive to women’s needs and accessible to women who face barriers to health care;
2. The right to life does not apply to a fetus, and any protections states grant to prenatal life cannot be prioritized over the rights of women; and
3. Access to safe and legal abortion is essential to safeguarding women’s fundamental rights, including the right to life.

As Catholics, we believe in the inherent dignity of each person, including the poorest of the poor. Major themes in Catholic social teaching, including the emphasis placed on human dignity, solidarity and the common good, also form the bedrock of the international human rights system, as expressed in the Universal Declaration of Human Rights (UDHR). Our social justice tradition calls us to support policies which protect the least among us, those who are most vulnerable and marginalized in our society. These are the individuals who are most harmed by policies which allow the governments to restrict access to comprehensive sexual and reproductive healthcare services, including safe and legal abortion.

There is not one single, nor one official Catholic opinion on when life begins. Throughout the Catholic tradition, scholars, saints and ordinary Catholics have had differing beliefs about when a developing life becomes a person. In the 1974 Declaration on Procured Abortion, the Vatican acknowledged that it does not know when the fetus becomes a person: “There is not a unanimous tradition on this point and authors are as yet in disagreement.” Neither St. Augustine nor St. Thomas Aquinas, two of the most important theologians in the Catholic tradition, considered the fetus in the early stages of pregnancy to be a person. The United States Supreme Court explored fetal personhood at some length in its *Roe v. Wade* decision and concluded: “When those trained in the respective disciplines of medicine, philosophy and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man’s knowledge, is not in a position to speculate as to the answer.”

There is no doubt, however, that our Catholic faith teaches that a woman is a person with rights, responsibilities and a conscience that must guide her to make the best decision for herself in light of her circumstances and beliefs. She must be allowed and encouraged to make the decision that is right for her about whether and when to have a child. Truly, she is the only one who can make the right decision for herself and her family.

Around the world, efforts to assign rights “from the moment of conception” lead to situations where a fetus’ rights are prioritized over the rights of women, resulting in major violations of rights. Forcing women to give birth against their will by banning abortion or contraception, is not only coercive and wrong, in countries with restricted access and complete abortion bans, women suffer and die. When abortion is illegal, some women have their health compromised, some die and some are sent to jail. In El Salvador, for instance, more than 600 women have been jailed since 1998 for having abortions or miscarriages.

The Catholic church teaches that one set of religious beliefs should not be codified into law in a pluralistic society, lest people of other faiths and of none are disrespected and discriminated against.  Laws governing access to abortion need not adhere to the official Catholic position. The Second Vatican Council’s Declaration on Religious Freedom reinforced the call for Catholics to respect the positions of people of other faiths. This is particularly significant given that the Catholic hierarchy’s positions on health policies, including abortion, are more conservative than those of other major faith groups. In addition, as noted, many Catholics do not support the Vatican’s position on abortion.

Catholic teaching also believes that we must respect every person’s obligation and right to follow his or her own conscience when making important moral decisions. This includes decisions about reproductive health, such as whether to use birth control, have an abortion or become pregnant through the use of in vitro fertilization (IVF).

There is a critical need for the Committee to explicitly recognize that states must guarantee women’s inherent right to life, bearing in mind as Catholics we can and do support policies that acknowledge the moral agency of women, respect developing life, and appreciate the Catholic tradition while honoring the views of other faith groups. Thank you for this opportunity to provide comments to the General Comment 36 – Article 6: Right to Life.

1. Catholics for Choice is a civil society organization holding Special Consultative Status with the Economic Social Council of the United Nations. Our mission is to shape and advance sexual and reproductive ethics that are based on justice, reflect a commitment to women’s well-being, and respect and affirm the capacity of women and men to make moral decisions about their lives. Catholics for Choice works in the United States and internationally to ensure that all people have access to safe and affordable reproductive health-care services and to infuse our core values into public policy, community life and Catholic social thinking and teaching. [↑](#endnote-ref-1)