

Submission of Catholics for Choice in response to

Human Rights Council resolution A/HRC/RES/21/3 of 9 October 2012

“Requesting submissions for the report of the Office of the United Nations High Commissioner for Human Rights on ‘Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: best practices’”

Regarding

Best practices in the application of traditional values while promoting and protecting human rights and upholding human dignity

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Catholics for Choice is pleased to offer this submission to the Human Rights Council (HRC) in response to its request for information regarding best practices in the promotion of human rights and fundamental freedoms through a better understanding of traditional values. 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.

There are an estimated 1.2 billion Catholics in the world, making Catholicism the second largest religion in terms of number of adherents. For many Catholics, church teachings serve as moral and spiritual guides, informing the way we perceive the world, the choices we make and otherwise shaping the way we live our lives. Given Catholicism's ancient roots, and in light of its great number of adherents globally, Catholic teachings may reasonably be considered in a discussion regarding the "traditional values of humankind."

Catholic teachings are in concert with the international human rights system in numerous ways. Social justice and insistence on a preferential option for the poor, both major themes in Catholic social teaching, as well as 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). Pope John Paul II expressed support for this foundational document of the international human rights system—and for its primacy in the operations of the United Nations. Addressing the UN General Assembly in 1979, he said:

The Universal Declaration of Human Rights ... must remain the basic value in the United Nations Organization with which the consciences of its members must be confronted and from which they must draw continual inspiration.<sup>i</sup>

Efforts to elevate other traditional, religious and/or cultural values above that of the international human rights framework, however, run counter to this sentiment. They also subvert Catholic teachings that support freedom of religion, respect for the beliefs of others, separation of church and state, as well

as those that reject discrimination based on a person's religious beliefs. Furthermore, by seeking blanket exemptions based on religious and other values systems, these attempts to override the human rights framework ignore one of the most fundamental principles of Catholicism: the primacy of individual conscience in decision-making.

From a Catholic perspective, these efforts run the risk of contradicting the right to freedom of religion, as expressed in *Dignitatis Humanae* (the Declaration on Religious Freedom), which emerged from the Second Vatican Council (Vatican II). The principles of one faith tradition should not be privileged above others because, as *Dignitatis Humanae* instructs, "it is ... imperative that the right of all citizens and religious communities to religious freedom should be recognized and made effective in practice."<sup>ii</sup>

Catholics who argue for exemptions from human rights guarantees based on their own religious beliefs ignore the teachings of our church which require us to respect the right of others to live out the principles of their faith and uphold the principle of church-state separation.

According to the Vatican II document *Gaudium et Spes*, Catholics "should recognize the legitimacy of differing points of view about the organization of worldly affairs and show respect for their fellow citizens."<sup>iii</sup> This is particularly significant in cases where one religious position is far apart from many others, as is the case of the hierarchy's position on sexuality and reproductive health. On these issues, the Catholic hierarchy's views are more conservative than those held by the majority of Catholics as well as those of other major world religions. For example, the Vatican's complete ban on modern methods of contraception, even for married couples, has been rejected by all other major faith groups, just as it has been by most Catholics.

*Dignitatis Humanae* further instructs policymakers not only to respect freedom of religion, but also to ensure that religion is not used to discriminate:

... [G]overnment is to see to it that equality of citizens before the law, which is itself an element of the common good, is never violated, whether openly or covertly, for religious reasons. Nor is there to be discrimination among citizens.<sup>iv</sup>

Some who now advocate for "traditional values" to supersede human rights law point to the discord between certain traditional beliefs and the recognition of LGBT people's rights—as in protections related

to sexual orientation and gender identity (SOGI). It is a basic tenet of human rights law that every human being is worthy of protection, and Catholic teachings instruct us not to allow religion to be used to discriminate. Efforts to weaken commitments to LGBT and SOGI rights violate both of these bedrock principles.

Privileging particular religious beliefs also ignores Catholic teaching on religious pluralism and the role of the church in society. Current Catholic theology makes a clear distinction between the moral teachings of the Catholic church and the right of legislators to use prudential judgment in developing public policy. To quote *Gaudium et Spes* again: “It is of supreme importance, especially in a pluralistic society, to work out a proper vision of the relationship between the political community and the Church.... The political community and the Church are autonomous and independent of each other in their own fields.”<sup>v</sup>

Finally, Catholic teachings regarding the primacy of individual conscience further support the rejection of religious-based exemptions from the responsibility to promote and protect human rights guarantees. These proposed exemptions presume not only that everyone in a given country ascribes to the same religion, but also that all members of any given faith support the same interpretation of the tenets of that faith. In short, these proposed exemptions leave no room for individual conscience or for the beliefs of citizens whose faith (or lack thereof) leads them to embrace the human rights standards in question rather than reject them. In the case of Catholicism, at the heart of church teachings on moral matters is a deep regard for an individual’s conscience. The *Catechism* states that “a human being must always obey the certain judgment of his conscience.”<sup>vi</sup> The church takes conscience so seriously that Fr. Richard McBrien, Professor of Theology at the University of Notre Dame, explained in his essential study *Catholicism*, that even in cases of conflict with the moral teachings of the church, Catholics “not only may but *must* follow the dictates of conscience rather than the teachings of the Church.”<sup>vii</sup>

What’s more, early church leaders were clear in their support for the primacy of conscience. Notably, in his letters St. Paul granted primacy to one’s own conscience and, significantly exhorts respect for the conscience of others. He noted that “anything which does not arise from conviction is a sin” and also believed that sometimes it would be more loving to refrain from exercising one’s own conscience in order to demonstrate respect for the conscience of another, even if that other person’s conscience is

erroneous. St. Thomas Aquinas argued simply that one must follow an erroneous conscience and that ignoring an erroneous conscience is a mortal sin—even if it means going against the teachings of a professional or religious superior.

The Bible instructs Christians to “Render to Caesar the things that are Caesar’s and to God the things that are God’s.”<sup>viii</sup> Sixty-five years ago, the global community of nations gathered to develop and promulgate the UDHR. In the intervening years the same community has affirmed its commitment to these fundamental human rights and expanded them into areas of rights previously not explicitly named. Their success stands as the greatest global effort of the 20<sup>th</sup> century to achieve peace and social justice. Those who would undermine or weaken the human rights system by seeking exemptions to its application are operating counter not only to international consensus, but also to many important teachings of the Catholic church. We urge the Human Rights Council to disregard any calls to privilege any religious, cultural or traditional arguments that result in the exclusion of some groups from human rights protections and to dismiss any actions that would violate guarantees of freedom of religion, separation of church and state, the right to nondiscrimination or those that would deprive individual conscience rights. Instead, Catholics for Choice urges the Human Rights Council to look to the Universal Declaration of Human Rights and to subsequent global treaties for guidance on global policy matters.

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<sup>i</sup> His Holiness John Paul II. “Address of His Holiness John Paul II to the 34<sup>th</sup> General Assembly of the United Nations.” New York. October 2, 1979.

<sup>ii</sup> *Dignitatis Humanae* [Declaration on Religious Freedom], § 6(6). December 7, 1965.

<sup>iii</sup> *Gaudium et Spes* [Pastoral Constitution on the Church in the Modern World], § 75. December 7, 1965.

<sup>iv</sup> *Dignitatis Humanae* [Declaration on Religious Freedom], § 6(6). December 7, 1965.

<sup>v</sup> *Gaudium et Spes* [Pastoral Constitution on the Church in the Modern World], § 76. December 7, 1965

<sup>vi</sup> *Catechism of the Catholic Church*, 2nd ed., 1790.

<sup>vii</sup> McBrien, Richard P., *Catholicism* (San Francisco: HarperSanFrancisco, 1989), 973.

<sup>viii</sup> Matt. 22:21