

## **Statement by the Catholic Church: On Introducing the Right to Abortion in the Constitution**

The bill initiated by *Déi Lénk* to include the right to abortion in the constitution is currently the subject of intense debate between its supporters and opponents.

The reasons commonly cited for the legislative initiative are women's right to self-determination over their own bodies, and protection against any future weakening or restriction of women's abortion rights. In this context, the United States and various European countries are cited as cautionary examples.

The Catholic Church in Luxembourg has spoken out against the inclusion of abortion as a fundamental right or civil liberty ('liberté publique') in the constitution. It continues to maintain its position for the reasons set out below.

Firstly, every human being has an inalienable and indispensable dignity at every stage of life, including before birth. Human dignity and the protection of life are inextricably linked.

According to Article 12 of the Constitution, human dignity is inviolable ('la dignité humaine est inviolable'), and this also refers to unborn life, which therefore deserves its own protection status. Previously, the approach was based on the vulnerability of the foetus, which has an independent right to life; therefore, abortion was considered an exception, with the conditions and implementation laid down in a defined legal framework.

Including this right or civil liberty in the constitution results in an ethical and legal paradigm shift. Rather than starting with the vulnerability and right to life of the growing life, which is perceived and valued as an independent being with its own rights, the starting point is now the woman's self-determination over her body. The embryo is no longer significantly distinguished from this as a separate human being. The right to life of the unborn takes a back seat to the woman's right to self-determination.

In the event of a pregnancy conflict, two fundamental rights clash: the woman's right to self-determination and the unborn child's right to life. This tension is characteristic of pregnancy conflicts, which are always ambivalent.

If abortion is primarily viewed in the context of the right to self-determination, the conflict between these two legal interests will inevitably be resolved in favour of the right to self-determination.

People are not only self-determining and responsible individuals; they are also social beings who bear responsibility not only for their own lives, but also for the lives of others. If we take this seriously, then even in a free and democratic society, creating a legal framework that merely allows individuals to realise their own life goals in a self-determined manner cannot be the only consideration.

From a socio-political and constitutional point of view, it is essential to consider the interests and rights of pregnant women, as well as the fundamental right to life of unborn children. In practical terms, this means fostering a social climate and creating

conditions that encourage people to choose to have children. This includes improving the compatibility of family and career, adopting a partnership-based approach to child-care, supporting single parents, preventing child poverty and ensuring equal rights in the workplace.

Enacting a fundamental right to abortion in the constitution promotes the logic of the law of the strongest. The right to life of the unborn is disregarded. There is a real risk that abortion will then become a means of birth control, as has been observed in many places.

This conflicts with the 1989 United Nations Convention on the Rights of the Child, which was adopted by the General Assembly and ratified by the Luxembourg Parliament in 1993. Article 6 of the Convention states: '(1) Signatories recognise that every child has an inherent right to life. (2) Signatories shall ensure, to the maximum extent possible, the survival and development of the child.'

The Convention does not address the question of whether the child's right to life exists before birth; it seems that a binding agreement on this issue was not possible for all signatories. However, paragraph 2 of Article 6 obliges signatories to ensure the survival and development of a child 'to the maximum extent possible', thereby increasing the responsibility of political leaders to justify any constitutional or legislative changes that fail to take into account the prenatal right to life of the child.

Another reason for pushing for constitutional enshrinement is political movements in other countries. However, it is important to understand the situation in Luxembourg with the necessary sobriety. In Luxembourg, no political party has made it their mission to weaken or even abolish the current abortion legislation. The proposed constitutional amendment is not included in the coalition agreement or the election programmes of the governing parties.

The views, arguments and positions in this debate are irreconcilably opposed. However, a legal 'solution' to abortion that favours one side or the other does not resolve either individual pregnancy conflicts or social controversies. As far as possible, the constitution should reflect the social consensus on the rights it seeks to guarantee.

There is likely to be a consensus around the idea that women and their partners facing a pregnancy crisis should receive the necessary support, and that society as a whole should benefit from the creation of child-friendly conditions. These concerns can be addressed without amending the constitution.