



## Submission to Community Affairs Legislation Committee on the Human Rights (Children Born Alive Protection) Bill 2022

March 10, 2023.

To whomsoever it may concern:

This paper has been prepared by the Church and Nation Committee of the Presbyterian Church of Victoria.

The Presbyterian Church of Victoria (PCV) represents 136 congregations, representing approximately 10,000 people under our care and ministry. In addition, we have five schools that educate 4,300 students, one aged care facility and one theological college.

The PCV is part of the Presbyterian Church of Australia (PCA) which comprises over 500 congregations and over 30,000 members throughout all Australian states and territories.

The Presbyterian Church has been part of Australian society since 1803 and formed as the PCA in 1901.

The Church and Nation Committee exists to advise the PCV on contemporary trends and controversial issues in public life and to represent the church in communication with government, the media and other outside bodies on matters of social and ethical concern.

We welcome the opportunity to make this submission.

As members of the Presbyterian Church of Victoria we hold strongly to the teaching of the Bible and its interpretation through our subordinate standard, the Westminster Confession of Faith.

Accordingly, the sanctity and dignity of every human life, including the youngest and the smallest among us, are key principals shaping our response to the *Human Rights (Children Born Alive Protection) Bill 2022*.

Kind regards,

(Encl.)

**Rev. Christopher Duke,**  
Convener,  
Church and Nation Committee,  
Presbyterian Church of Victoria.

SUBMISSION

# Rescue the perishing

**Submission of the Presbyterian Church of Victoria to the Senate Standing Committee on Community Affairs, on March 10, 2023, regarding the *Human Rights (Children Born Alive Protection) Bill 2022*.**

*Rescue those who are being taken away to death;  
hold back those who are stumbling to the slaughter.*

*If you say, "Behold, we did not know this",  
does not He who weighs the heart perceive it?*

*Does not He who keeps watch over your soul know it,  
and will He not repay man according to his work?*

— **Proverbs 24: vs 11–12** [Bible: English Standard Version].

## Overview

In this submission to the Senate Standing Committee on Community Affairs, regarding the *Human Rights (Children Born Alive Protection) Bill 2022*, we express our strong opposition to, and abhorrence of, the medical malpractice of allowing babies born alive during a failed abortion procedure to die.

This criminal negligence is not sufficiently publicised, and knowledge of it is even suppressed. Dr Joanna Howe, a law professor at the University of Adelaide, has written:

The abortion industry and pro-abortion media outlets assert that babies born alive and left to die following an abortion is a "myth", "nonsensical", and "medically unnecessary".<sup>1</sup>

However, the publicly available statistics tell another story. Babies born alive after failed abortions and left to die are conservatively estimated to number hundreds annually across Australia.<sup>2</sup>

The *Human Rights (Children Born Alive Protection) Bill 2022* addresses this moral evil, and we commend those federal parliamentarians who have supported it. There is an urgent need to provide necessary medical care for these babies.

## Abortion laws have gone from bad to worse.

Whenever abortion has been legalised in the states and territories of Australia, supporters of abortion have customarily sought to assure the public that abortions would only be permitted in exceptional circumstances.

This promise has never been kept — nor, we might add, was there any intention of its being kept.

Abortion "only in exceptional circumstances" has, in the course of time, effectively become abortion on demand, including late-term (i.e., third trimester) abortion.

Today, far too many doctors and other health professionals have abdicated their solemn duty of care and been prepared to allow babies born alive during a failed abortion procedure to die.

The statistics, provided by Dr Howe, amply demonstrate this reality.

Such criminally culpable negligence on the part of such doctors and other health professionals represents, we believe, the ultimate depravity. Australian law-makers who have allowed this state of affairs to develop unchallenged also bear major responsibility for this practice.

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<sup>1</sup> Dr Joanna Howe, "Babies born alive and left to die following a failed abortion", *Fact Sheet* (Adelaide, South Australia), February 27, 2023, p. 3.  
URL: <https://canberradeclaration.org.au/wp-content/uploads/2023/03/Dr-Joanna-Howe-Fact-Sheet-Babies-Born-Alive-FINAL.pdf>

<sup>2</sup> Howe, pp. 1–2.

Jewish author Elie Wiesel, an Auschwitz survivor and Nobel laureate, described the state of mind of people who lack compassion, empathy and love. He said: "The opposite of love is not hate; it's indifference."<sup>3</sup>

### **Refusal to understand what's at stake**

The famous German Lutheran pastor, Dietrich Bonhoeffer, who paid with his life for his opposition to Nazism, courageously spoke out against Hitler's treatment of the Jews, when most of his fellow-countrymen were silent on the subject or even complicit in the evil being perpetrated. He also uncompromisingly denounced abortion as being nothing short of murder. In his posthumously published classic work, *Ethics*, he wrote:

Destruction of the embryo in the mother's womb is a violation of the right to live which God has bestowed upon this nascent life. To raise the question whether we are here concerned already with a human being or not is merely to confuse the issue. The simple fact is that God certainly intended to create a human being and that this nascent human being has been deliberately deprived of his life. And that is nothing but murder.<sup>4</sup>

In today's Western societies there is a strange reluctance to acknowledge what killing an unborn baby entails. British political commentator and author Peter Hitchens once remarked:

Abortion is the only event that modern liberals think too violent and obscene to portray on TV. This is not because they are squeamish or prudish. It is because if people knew what abortion really looked like, it would destroy their pretence that it is a civilised answer to the problem of what to do about unwanted babies.<sup>5</sup>

There is nothing remotely civilised about killing an unborn child or failing to look after a child born alive after a failed abortion.

### **Christian opposition to abortion**

The Presbyterian Church of Australia's pro-life values are inspired by Judeo-Christian values, which, it believes, are the foundation of our nation's best values.

Unfortunately, however, people's religious sentiments and convictions are all too often dismissed as irrelevant by our political pundits and mainstream media. Nevertheless these values play a decisive part in the life of our nation. They are even embodied in the opening words of the preamble to our Constitution, which declares that:

... the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established.

Moreover, the blessings of the Creator are invoked whenever the Lord's Prayer is read at the start of each parliamentary sitting.

The Judeo-Christian values which have contributed so much to Australian culture and values teach that each human being is made in the image of the Creator. This is the true basis of human rights, rightly understood, especially our duty of care for each other, and the compassionate treatment of the weak and the helpless.

The Bible's Sixth Commandment prohibits the taking of innocent life. In that spirit, the Presbyterian Church of Australia opposes any practices that threaten the most vulnerable members of society, be they the unborn, the sick, the disabled or the elderly.

The disregard for human life that results in more than one in four Australian pregnancies being aborted illustrates a terrible failure of society's duty of care towards its weakest and most innocent members.

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<sup>3</sup> Elie Wiesel quoted in Alvin P. Sanoff, "One must not forget: Interview with Elie Wiesel", *U.S. News and World Report*, October 27, 1986, p. 68.

<sup>4</sup> Dietrich Bonhoeffer, *Ethics* (New York: Macmillan, 1965), pp.175-6.

<sup>5</sup> Peter Hitchens, "A calamity for women ... just as the doctor predicted", *The Mail on Sunday* (UK), October 28, 2007.

URL: <https://www.dailymail.co.uk/debate/article-490106/A-calamity-women--just-doctor-predicted.html>

A human embryo is not merely an expendable part of a woman's body with no human rights. Biologically, the unborn child in the womb, although he/she is dependant for survival on her body, is not part of her body in the way that her hair, nails or organs are.

At a purely scientific level, the personhood of the embryo begins at conception when it comes to possess its own unique DNA. At a more profound level, Christians see the embryo, at whatever stage of development, as being nothing less than the handiwork of God Himself.

### **Feminism's founders were all anti-abortion.**

Access to abortion is often proclaimed by contemporary feminists as being essential to achieving women's emancipation. But it is noteworthy that leading figures of the original feminist movement, such as **Mary Wollstonecraft** (1759–1797), **Elizabeth Cady Stanton** (1815–1902), **Susan B. Anthony** (1820–1906) and **Alice S. Paul** (1885–1977), were strongly pro-life.

Serrin Foster, president of Feminists for Life of America, has observed:

Without known exception, the early American feminists condemned abortion in the strongest possible terms." She notes the irony of the fact that the U.S. anti-abortion laws of the latter half of the 19th century were the direct results of the advocacy work of the early feminists.<sup>6</sup>

Contemporary pro-abortion feminists, by contrast, have constructed a heartless ideology based on a very narrow and misguided concept of women's emancipation.

### **Abortion's impact on women**

The Presbyterian Church of Australia is mindful of the fact that abortion not only destroys innocent human life on a vast scale, but also causes women who have undergone abortions to suffer terrible psychological wounds in the aftermath.

In 2000, Australian author and women's advocate Melinda Tankard Reist lifted the curtain on this tragic yet hidden dimension of abortion, with her remarkable book, *Giving Sorrow Words*.

In it she recorded personal accounts of 18 women and drew on the experiences of more than 200 others. All thought they could quickly get over their abortions and resume their normal lives, but their lives were never the same again. Almost without exception, they suffered deep grief for their lost child — a grief that often lasts for years.

Reist's book also exposed the coercion women experience from boyfriends, husbands, parents and society in general. It also reveals the inadequacy of current pre-abortion counselling practices and the lack of informed consent.<sup>7</sup>

Even some "pro-choice" advocates have acknowledged that women suffer post-abortion grief and depression.

Professor David Fergusson, of the Christchurch School of Medicine, and some colleagues conducted a study in New Zealand of this phenomenon. They recorded the experiences of more than 1,200 individuals who were tracked from birth until the age of 25. The study revealed that young women who have an abortion (the commonest medical procedure performed on young women in New Zealand) have a higher risk of mental health problems, including depression, anxiety and drug and alcohol abuse, than women who continue with their pregnancies.<sup>8</sup>

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<sup>6</sup> Serrin Foster, "The feminist case against abortion", in Erika Bachiochi (ed.), *The Cost of Choice: Women Evaluate the Impact of Abortion* (San Francisco: Encounter Books, 2004).

See also: Frank Ludwig, "There is no doubt the early feminists were pro-life on abortion", *LifeNews.com* (USA), June 22, 2013.  
URL: <https://www.lifenews.com/2013/06/22/there-is-no-doubt-the-early-feminists-were-pro-life-on-abortion/>

<sup>7</sup> Melinda Tankard Reist, *Giving Sorrow Words: Women's Stories of Grief After Abortion* (Sydney: Duffy & Snellgrove, 2000).

<sup>8</sup> David M. Fergusson, L. John Horwood and Elizabeth M. Ridder, "Abortion in young women and subsequent mental health", *Journal of Child Psychology and Psychiatry*, 47(1), January 2006, pp. 16–24.  
URL: <https://pubmed.ncbi.nlm.nih.gov/16405636/>

It is noteworthy that this discovery was one that Professor Fergusson did not expect. He told ABC television's *7:30 Report*:

I remain pro-choice. I am not religious. I am an atheist and a rationalist. The findings did surprise me, but the results appear to be very robust because they persist across a series of disorders and a series of ages.<sup>9</sup>

In addition to our opposition to abandoning babies who have survived abortions and letting them die, we are deeply dismayed that abortion is too hastily resorted to. In no jurisdiction in Australia are there any laws requiring the provision of pregnancy-support counselling or, indeed, to post-abortion grief counselling.

### Abortion's impact on relationships

Abortion not only devastates a child and its mother; it also has a major adverse impact on would-be fathers and the aborted child's siblings.

Male post-abortion grief is seldom discussed, but it has been chronicled in detail in a 2007 book co-authored by Kevin Burke,<sup>10</sup> who, with his wife Theresa, runs a world-renowned U.S.-based post-abortion counselling service for both women and men.

In 2007, Kevin Burke co-authored a book, *Redeeming a Father's Heart: Men Share Powerful Stories of Abortion Loss and Recovery*. That same year, in a media interview, Burke stated: "Abortion hurts, and it impacts relationships in the home and workplace." He asserted that "the most common outcome" of relationships involving an abortion is divorce or breaking up. He went on to say:

Tragically, a person will abort with the hope of salvaging their relationship, but the toxic after-effects of abortion are like a radioactive seed planted in the heart of the relationship that will, at varying speeds, kill the relationship.<sup>11</sup>

### Recommendations

Regarding the *Human Rights (Children Born Alive Protection) Bill 2022*, we urge the Senate Standing Committee on Community Affairs to incorporate in the proposed legislation the seven recommendations advocated by University of Adelaide law professor Dr Joanna Howe.<sup>12</sup>

We reproduce them here in summary form:

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David M. Fergusson, L. John Horwood and Joseph M. Boden, "Abortion and mental health disorders: Evidence from a 30-year longitudinal study", *British Journal of Psychiatry*, 193(6), December 2008, pp. 444–451.

DOI: <https://doi.org/10.1192/bjp.bp.108.056499>

<sup>9</sup> Quoted in Nick Grimm, "Higher risk of mental health problems after abortion", ABC television's *7:30 Report*, Australian Broadcasting Corporation, January 3, 2006. URL: <https://www.abc.net.au/7.30/content/2006/s1541543.htm>

See also: Ruth Hill, "Abortion researcher confounded by study", *NZ Herald*, January 5, 2006. URL: <https://www.nzherald.co.nz/nz/abortion-researcher-confounded-by-study/3FYSQTNVHDEWTOTS4HKSEYG6GA/>

<sup>10</sup> Kevin Burke LSW, David Wemhoff and Marvin Stockwell, *Redeeming a Father's Heart: Men Share Powerful Stories of Abortion Loss and Recovery* (Bloomington, IN: AuthorHouse, 2007).

See also: Kevin Burke, "Emotional quicksand: The hidden pain of men", *Men and Abortion Network (MAN): Reclaiming Fatherhood (USA)*, February 1, 2012.

URL: <https://menandabortion.net/index.php/2012/02/01/emotional-quicksand-the-hidden-pain-of-men/>

<sup>11</sup> "Men and the abortion aftermath", interview with Kevin Burke of Rachel's Vineyard, *Zenit.org* news agency, August 29, 2007.

URL: <https://www.rachelsvineyard.org/Downloads/Notes/ZENIT%20Men%20and%20Abortion-Aug.%2007.pdf>

<sup>12</sup> Howe, *op. cit.*, pp. 5–6.

Recommendation 1

**There should be statutory protections at the federal level for all babies born alive in Australia to receive medical care irrespective of the circumstances of their delivery.**

Recommendation 2

**There should be national medical protocols put in place (by statute, regulation or otherwise) to govern the provision of medical care to new-born babies following an abortion.** These should include, but not be limited to:

- a. **Ensuring that new-born babies are immediately assessed for gestational age and viability by a medical practitioner.**
- b. **The provision of medical care should be based on a formal-equality principle. All new-born babies are entitled to equal treatment under the law.** The basis for this equality principle is that a new-born baby possesses independent human rights upon its separation from its mother.

Recommendation 3

**There should be mandatory and robust national data collection on babies born alive following an abortion.** This will require the cooperation of state and territory governments and should encompass data collection on the gestational age at birth, gender of the baby, reason for abortion, medical care provided after birth and length of life.

Recommendation 4

**All pregnant women undertaking a second or third trimester abortion should be given comprehensive crisis pregnancy counselling and be made aware of the risks of late-term abortion, including live birth.**

According to one study, '[m]any women do change their minds about an initial abortion decision. A change of mind in favour of continued pregnancy is far commoner in second trimester abortion applicants compared to first trimester applicants. In a study of 1,419 women who booked for abortion, overall almost 10% subsequently opted to continue pregnancy to term. However, among applicants of over 18 weeks' gestation, 75% decided to continue pregnancy'.

Recommendation 5

**All babies born alive following an abortion who die prior to discharge from the hospital should be referred to the Coroner for an inquest.**

Recommendation 6

**If the death is unavoidable, the baby must always be given palliative care, with proper attention given to pain relief and the emotional needs of the dying baby.**

Recommendation 7

**All babies born alive following an abortion who die in hospital after their birth are entitled to a birth certificate, death certificate and proper burial or cremation.**

We hope that the Senate Standing Committee on Community Affairs, in its consideration of the submissions it has received, will be genuinely open to considering all points of view, including pro-life ones.

We especially hope that the committee, in its final report, acknowledges and addresses satisfactorily the points we have raised here.

Authorised by:

**Rev. Christopher Duke,**  
Convenor,  
Church and Nation Committee,  
Presbyterian Church of Victoria.