



# CATHOLIC LEAGUE

*For Religious  
and  
Civil Rights*

May 15, 2014

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Ms. Navanethem Pillay  
High Commissioner for Human Rights  
Office of the U.N. High Commissioner for Human Rights  
Palais des Nations  
CH-1211 Geneva 10, Switzerland

Dear Ms. Pillay:

As president of the largest Catholic civil rights organization in the United States, I am submitting a formal complaint against Felice Gaer, Vice-Chairperson of the Committee Against Torture. I will detail why she has compromised her objectivity and thus has no legitimate role to play in policing the policies of U.N. member states, or states that have been awarded a Permanent Observer status.

Specifically, I am charging Ms. Gaer with violating two sets of U.N. strictures governing the objectivity of committee members. Regarding "Guidelines On the Independence and Impartiality of Members of the Human Rights Treaty Bodies" (the Addis Ababa Guidelines), I am accusing her of violating Section II (2); Section II (7); and Section E (14). With regard to another Addis Ababa document, "Existing Rules and Regulations on Enhancing and Strengthening the Expertise and Independence of Treaty Body Members," I am accusing her of violating Section III, D, Rule 15 (1).

Section II (2) of the aforementioned "Guidelines" says the following: "Treaty body members shall not only be independent and impartial, but shall also be seen by a reasonable observer to be so."

Section II (7) reads: "All members shall avoid any action in relation to the work of their treaty body which might lead to or might be seen by a reasonable observer to lead to bias against States. In particular, members shall avoid action which might give the impression that their own or any

given State was receiving treatment which was more favourable or less favourable than that accorded to other States."

Section E (14) reads: "Individuals holding or assuming decision-making positions in any organization or entity which may give rise to a real or perceived conflict of interest with the responsibilities inherent in the mandate as a member of a treaty body shall, whenever so required, not undertake any functions or activities that may appear not to be readily reconcilable with the perception of independence and impartiality."

Section III, D, Rule 15 (1) of "Existing Rules and Regulations" reads: "The independence of the members of the Committee [Against Torture] is essential for the performance of their duties and requires that they serve in their personal capacity and shall neither seek nor accept instructions from anyone concerning the performance of their duties."

Any reasonable observer would conclude that Felice Gaer has violated these "Guidelines" and "Rules" by openly taking her directives from the Center for Reproductive Rights (CRR), an organization whose animus against the Catholic Church's teachings on sexuality is palpable. If CRR were just another abortion-rights entity, I would not be lodging a complaint. But its attack on Roman Catholicism is visceral.

In 2000, CRR issued a report, "The Holy See at the United Nations: An Obstacle to Women's Reproductive Health," that seriously crossed the line: it is one thing to disagree with the Catholic Church's teachings on sexuality, quite another to conclude that "the Holy See uses its status at the UN [*sic*] to obstruct the sexual and reproductive health and rights of women throughout the world."

CRR used this outlandish claim as the basis of its contention that the Holy See should not enjoy any U.N. status. Moreover, many of the accusations in the report are totally false. For example, it says that "According to Canon law, women are not capable of performing

numerous religious functions." This is the kind of propaganda that only an anti-Catholic organization would make.

It must be noted that Ms. Gaer's relationship with CRR is incestuous: She takes more than talking points from it—she cites its reports verbatim in her official U.N. capacity. Her comments are riddled with highly politicized accusations against the Holy See.

On May 5, 2014, in her opening statement at the hearing on the Holy See's compliance with the Convention Against Torture, Ms. Gaer said that the Committee has found that "laws that criminalize termination of pregnancy in all circumstances do violate the Convention." As we shall see, this is exactly the position of CRR. But first her characterization deserves a riposte.

The fact is that *billions* of Catholics, Muslims, Orthodox Jews, and many others—including atheists—believe that abortion is the intentional killing of innocent human beings. Moreover, this is nothing more than her interpretation of the Convention. She is entitled to it. But I hasten to add so are those who disagree with her interpretation.

Ms. Gaer continued by saying, "I'm wondering first of all if you're aware of the Committee's jurisprudence on this issue...." Jurisprudence on what? Policing the tenets of Catholicism? Such impartiality undermines the credibility not only of Ms. Gaer, but reflects badly on the U.N.

Similarly, Ms. Gaer asks officials from the Holy See to comment on accusations that abortion may put "women's lives and health both at risk and can cause women severe pain and suffering." Of course, the *billions* who disagree with her rightly wonder why discussions of the "pain and suffering" caused by abortion never seem to include its indisputable victim, namely the unborn child.

It would be one thing if Ms. Gaer came to these conclusions on her own, but she did not: her incendiary rhetoric was lifted from the April 11, 2014

report by CRR. For example, she offers the same quote from the European Court of Human Rights on abortion that CRR provided on p. 8 of its report. Her comments on bishops in Peru and Nicaragua who work for pro-life legislation (a source of criticism for her) dovetails exactly with what is found on p. 9 of the CRR report. Moreover, the implications of her remarks are disturbing: Ms. Gaer finds it troubling that the bishops in Latin America are actually following the teachings of the Catholic Church on abortion. Perhaps insubordination would suit her better.

"Women should have the legal right to chose abortion," Ms. Gaer was quoted as saying. Further related comments on this subject mirror what the CRR report says. On p. 5, it reads, "The Holy See's canon law on abortion constitutes an absolute ban and thus violates its obligations under Articles 1, 2, and 16." None of these Articles has anything to do with abortion. Ironically, Article 2 demonstrates that Ms. Gaer (and CRR) are the ones who are violating its express words.

Article 1 speaks to international cooperation. Article 16 is a procedural statement with respect to international trusteeship.

Article 2, Section 1 reads: "The Organization [U.N.] is based on the principle of the sovereign equality of all its Members." Similarly, Article 2, Section 7 reads: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisprudence of any state or shall require the Members to submit such matters to settlement under the present Charter."

It is precisely the sovereignty of the Holy See, a U.N. Permanent Observer, that is being called into question by Ms. Gaer and CRR. For a committee that belongs to an international governmental body to lecture the Holy See is bad enough; it is worse when it arrogantly claims jurisdiction over it.

If it were reversed—if the Holy See demanded that U.N. member states align its position on abortion with the teachings of the Catholic

Catechism—howls of protest would be heard worldwide. It is just as outrageous when a U.N. committee member instructs the Holy See to get in line with her secular beliefs.

Ms. Gaer's disrespect for the sovereignty of the Holy See is at one with her ideological allies. On p. 5 of the CRR report it finds fault with the Catholic Catechism's teaching on abortion. Similarly, on p. 11 it finds fault with Pope Paul VI's encyclical, *Humanae Vitae*. To be quite honest, I am delighted that CRR is so explicit: it makes my case all the more persuasive—its bias is manifest, and its contempt for the autonomy of the Holy See is irrefutable.

This kind of frontal assault on the Holy See must end. Regrettably, what Ms. Gaer has done by compromising her impartiality follows what happened in February when the Committee on the Rights of the Child issued its report on the Holy See. Section F (55) reads: "The Committee urges the Holy See to review its position on abortion, which places risks on the life and the health of pregnant girls, *and to amend Canon 1398* in relation to abortion with a view to identifying circumstances under which access to abortion may be permitted. (My italics.) Such hubris is unseemly. Worse, it should never be tolerated.

Given Felice Gaer's unquestionable bias toward the Roman Catholic Church, she is not suited to maintain her membership on the Committee Against Torture. I have no authority to demand a resolution, but I have a professional, moral, and religious obligation to register a protest. It is my hope that you and your colleagues will deal with this matter in a timely and just manner.

Sincerely,

A handwritten signature in cursive script, appearing to read "William A. Donohue".

William A. Donohue, Ph.D.

President