NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (https://www.ncronline.org)

German bishops give leeway on contraception in rape cases

Christa Pongratz-Lippitt | Feb. 22, 2013

The German bishops have announced that Catholic hospitals can provide emergency contraceptives to rape victims, as long as the pills prevent the fertilization of an egg and do not stop the implantation of a fertilized egg.

"To consider the possibility of using a drug whose active ingredient is a contraceptive in the case of a woman who has been raped seems acceptable to me," Bishop Ignacio Carrasco de Paula told "Vatican Insider," the online news supplement to the Italian newspaper *La Stampa*.

The church, however, refuses the administration of an abortive drug in all cases, he said on the sidelines of a workshop, Faith and Human Life, sponsored by the academy Friday.

The announcement came Thursday at the end of the bishops' regular plenary meeting in Trier. The action models similar policy established by the archbishop of Cologne last month, when a controversy erupted when it became public that two Catholic hospitals in Cologne had refused to serve a rape victim.

Cologne Cardinal Joachim Meisner had apologized for the hospitals' refusal to serve the victim, who had a doctor's prescription for a "morning-after pill." He then announced that emergency contraceptives are acceptable treatment for rape victims in Catholic hospitals.

With that Jan. 31 announcement, Meisner reversed standing practice in Catholic hospitals, after days of uproar following the revelation in mid-January that a rape victim had been turned away by two Cologne Catholic hospitals in December.

Meisner also said he will allow Catholic hospitals to offer abortion counseling in rape cases, a practice that was halted in 1999 with the intervention of Pope John Paul II.

The rape victim whose case caused the uproar had sought the help of an emergency center doctor in December after waking up on a park bench one morning. She told the doctor at the emergency center that she suspected she had been given knockout drops and then raped.

The doctor gave her a prescription for an emergency contraceptive and took her to the nearest hospital for a gynecological exam. At St Vincent's Catholic Hospital, the doctor was told that she could not be admitted. Although the doctor explained that she had already given the patient a prescription for an emergency contraceptive, the hospital still would not admit her. The next hospital, which belonged to the same Catholic foundation (one in four hospitals in Germany is in Catholic hands), also refused to admit her.

When the case came to light in mid-January, Meisner immediately apologized. "What the young woman experienced ? should never have happened. She sought help in great need and was not taken in. This occurrence deeply shames us. ? It must never happen again. Both hospitals have apologized to the patient and I would like to add my personal apology to theirs," the cardinal said.

Despite the hospitals' and Meisner's apologies, the controversy roiled through German media for another 10 days. The subject became daily fare on radio and television talk shows featuring politicians, liberal and conservative Catholics, doctors and pharmacists.

There are 435 Catholic hospitals in Germany, all of which are 100 percent state-funded. The health minister of Germany's most Catholic state, North-Rhine-Westphalia, which includes Cologne, threatened to pull funding for gynecology departments in Catholic hospitals.

Then on Jan. 31, Meisner made his surprise announcement. After consulting experts on the so-called morning-after pill, Meisner said that he had learned that "different preparations have different effects. ... This has ethical consequences." An emergency contraceptive that acted to prevent fertilization is "permissible" in the treatment of a rape victim, the cardinal said. "If a preparation is used whose active principle is to prevent an already fertilized embryo from implanting, then that is not permissible, as the fertilized embryo's human dignity must be protected," he added.

"Doctors in Catholic hospitals are called on to attend fully to the plight of raped women and to take the latest developments in the medical sciences mentioned above into consideration when they treat these patients," Meisner said.

He then added: "Over and above treating them, there is nothing to be said against counseling such patients on methods that according to Catholic teaching are not allowed and to enlighten them as to where such treatment is available if at the same time Catholic positions are explained."

In Germany, a woman seeking an abortion first must have counseling, in which a doctor explains the options available to her, including abortion and where to obtain one.

German hospitals once offered abortion counseling, claiming they dissuaded 5,000 women a year from having abortions, until Pope John Paul II ordered the counseling centers closed in 1999.

A statement from the Cologne archdiocese following the cardinal's announcement gave a detailed explanation of the difference between pills that prevent fertilization and those that prevent the implantation of a fertilized egg. It also clarified that the use of emergency contraceptive is for rape victims only, "not with situations in a sacramental marriage."

The archdiocesan statement also cited an action by the Congregation for the Doctrine of the Faith that allowed women religious who minister in areas of the world where they are in danger of being raped to take contraceptives.

Meisner, known as a staunch conservative and close friend of Pope Benedict XVI, made his statement with the knowledge of Rome, his spokesman confirmed.

The president of the German bishops' conference, Archbishop Robert Zollitsch, said the use of emergency contraceptives would be on the agenda of the bishops' next plenary meeting.

In 2011, German pro-life activists sent to Cologne Catholic hospitals -- including St. Vincent's, Holy Spirit and two other hospitals run by the Augustinian nuns known as the Cellitines -- a woman who falsely claimed to have been raped and asked doctors for a morning-after pill. Doctors who complied with the woman's request were reported to archdiocesan authorities, which resulted in letters of reprimand.

"According to Christoph Leiden, spokesman for St. Vincent's and Holy Spirit hospitals, these "malicious acts"

led to a climate of fear among doctors and to Catholic hospitals issuing stricter guidelines forbidding emergency contraception."

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Source URL (retrieved on *03/27/2017 - 14:40*): https://www.ncronline.org/news/global/german-bishops-give-leeway-contraception-rape-cases