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FEATURE

The Holy See on sexual and reproductive health rights: conservative in position, dynamic in response

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Abstract: The Holy See has engaged extensively in United Nations negotiations on issues concerning sexual and reproductive health rights as they have emerged and evolved in a dynamic global agenda over the past two decades. A meta-narrative review of the mission's official statements was conducted to examine the positions, discourses and tensions across the broad range of agendas. The Holy See represents a fundamentally conservative and stable position on a range of sexual and reproductive health rights concerns. However, the mission has been dynamic in the ways in which it has forwarded its arguments, increasingly relying upon secularised technical claims and empirical evidence; strategically interpreting human rights norms in ways consistent with its own position; and framing sexuality and reproduction in the context of "the family". Seen in the broader context of a "religious resurgence" in international relations, and in light of the fact that the Holy See has frequently sought to form alliances with conservative State and non-State actors, these findings make an important contribution to understanding the slow progress as well as the potential obstacles that lie ahead in the battle to realise sexual and reproductive health rights in a changing global political environment. ©2014 Reproductive Health Matters

Keywords: Holy See, United Nations, sexual health, sexual rights, reproductive health, reproductive rights

Sexual and reproductive health rights encompass the right to information, services, education, freedom of expression and freedom from discrimination and violence. Building on the landmark agreements of the International Conference on Population and Development (ICPD) in Cairo, 1994 and the Fourth World Conference on Women (FWCW) in Beijing, 1995 advocates have worked to realise and expand international commitments on sexual and reproductive rights. But the omission of an explicit reproductive health objective in the original Millennium Development Goals has prompted unprecedented advocacy for sexual and reproductive rights in the lead up to the 20th Anniversary of the ICPD and the finalisation of the post-2015 development goals. Yet despite over twenty years of activism and the range of international agreements and commitments, there is concern that there is still no *globally recognised* articulation of sexual and reproductive health rights.* This stagnation in the realisation and clear articulation of sexual and reproductive health

* The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979 outlined the need for equality between men and women in access to family planning information and advice (Art 10,h) and in access to health care services, including family planning (Art 12,1). Whilst important, the authors consider the CEDAW to be a foundational achievement rather than an explicit articulation of sexual and reproductive health as human rights in themselves.

rights in international law is a product of the complexities of international law, and the divergence of competing ideologies held by key stakeholders engaged in the global public policy process.

One of those key stakeholders is the Holy See, widely known as the sovereign entity governing the universal Catholic Church and Vatican City State and which, according to Canon Law “refers not only to the Roman Pontiff but also to the Secretariat of State, the Council for the Public Affairs of the Church, and other institutes of the Roman Curia.” [1] Using the privileges afforded by its status as a Non-member Permanent Observer, the Holy See has emerged as an engaged, influential and strategic actor at the historically secular United Nations (UN). This has occurred in the broader context of what Haynes and others have called a post-Cold War “religious resurgence”, characterised by a proliferation of faith-based actors in international relations, creating a greater platform for socially conservative views in global public policy. [2,3]

This paper examines the Holy See’s positions, discourse and tensions on a broad range of agendas concerning sexual and reproductive health rights, as evidenced by the missions’ official statements delivered at key UN documented forums – from the ICPD in 1994 to recent statements made in April 2014 (Table 1). The research draws its evidence directly from the statements of the Permanent Observers of the Holy See in the UN. One of the constraints on this form of research is the nature of these statements – carefully crafted positions that have been purposively located within the diplomatic rhetoric of the UN, often drawing on UN precedent to justify their perspectives. These may lack the drama of less formal (and formulaic) discourse in other contexts, but their potential to shape the future of sexual and reproductive health rights is profound, and we believe justifies the scrutiny we are offering.

Table 1. Thematic grouping of key United Nations processes and bodies dealing with sexual and reproductive health rights

Key UN processes	UN bodies
1) Social development & poverty eradication	
<ul style="list-style-type: none"> • World Summit for Social Development (Copenhagen, 1995) • World Program of Action for Youth (1995) • Millennium Development Goals (MDGs) (2000-2015) Review, Implementation and Anniversary meetings (World Summit 2005) • HIV Commitment & Political Declaration • Post-2015 goals – in progress 	<ul style="list-style-type: none"> • Commission on Social Development (ECOSOC) • General Assembly • High Level Panel on Millennium Development Goals • High Level Panel on Post-2015 Goals
2) Sustainable development	
<ul style="list-style-type: none"> • Conferences on Environment and Development (Rio, 1992; Johannesburg, 2002; Rio, 2012) • Post-2015 goals – in progress 	<ul style="list-style-type: none"> • Commission on Sustainable Development (ECOSOC) • General Assembly • Open Working Groups on Sustainable Development
3) Population & development	
<ul style="list-style-type: none"> • ICPD (Cairo, 1994) • ICPD Review, Implementation and Anniversary meetings 	<ul style="list-style-type: none"> • Commission on Population and Development (ECOSOC) • General Assembly
4) Advancement of women	
<ul style="list-style-type: none"> • Fourth World Conference on Women (FWCW) (Beijing, 1995) • FWCW Review, Implementation and Anniversary meetings 	<ul style="list-style-type: none"> • Commission on the Status of Women (ECOSOC) • General Assembly

• Resolutions on supporting efforts to end obstetric fistula	
5) Human rights	
<ul style="list-style-type: none"> • Convention on the Rights of the Child (1989): Review/Implementations sessions • Convention on the Rights of Persons with Disabilities (2006) • Report of Special Rapporteurs on: <ul style="list-style-type: none"> ○ Violence Against Women ○ The right to highest attainable standard of physical and mental health ○ The right to education 	<ul style="list-style-type: none"> • Human Rights Council • Committee on CRC • Special Rapporteurs
6) Security	
• Resolutions on Sexual Violence in Conflict	• Security Council

Holy See diplomacy and human rights at the United Nations

The Holy See’s formal diplomacy as a Non-member Permanent Observer to the United Nations began in 1964, and was reaffirmed in a General Assembly resolution in 2004, adopted without vote. [4] Using its official privileges, the Holy See engages actively in negotiations at international conferences, and throughout the sessions of the General Assembly, Human Rights Council, Security Council and the various commissions of the Economic and Social Council (ECOSOC). The Holy See also has legal jurisdiction on a par with member States to negotiate, sign and ratify UN-sponsored international law-making treaties. [4]

A number of “liberal” secular and faith-based actors are critical of the Holy See’s positions on sensitive issues such as those concerning sexual and reproductive health rights and have highlighted concern about the mission’s perceived influence through alliances with other conservative actors in shaping global policy. Perhaps one of the Holy See’s most vocal and persistent critics is the UN-accredited NGO Catholics for Choice who, since 1999, have led the “See Change” campaign calling for the Holy See’s Permanent Observer status to be removed on the basis that the mission does not meet the legal criteria of a State, and because no other religion has the same high-profile representation. [5]

Methods

To examine the Holy See’s position and discourse on sexual and reproductive health rights, we conducted a meta-narrative review of the official statements in response to the UN processes identified (Table 1). To locate the full range of statements, we accessed official UN document archives[†] along with the three official websites of the Holy See diplomatic mission.[‡] A large number of sources (n=66) in the years 1994–2014 were identified (Table 2).[§] Five sources that did not deal significantly with sexual and reproductive matters were excluded from the analysis.

Table 2. Sources identified and examined (n=61), categorised according to thematic grouping of key United Nations processes and bodies dealing with sexual and reproductive health rights

Thematic process	Date range	Sources identified	Excluded	Included
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[†] www.un.org.

[‡] www.vatican.va/roman_curia, www.holyseemission.org and www.holyseemissiongeneva.org.

[§] The full list of statements can be accessed online at:

https://www.researchgate.net/publication/265251001_The_Holy_See_and_Sexual_and_Reproductive_Health_and_Rights_APPENDIX_I?ev=prf_pub.

Social development & poverty eradication	1995-2013	17	3	14
Sustainable development	2012-2014	6	2	4
Population & development	1994-2014	12	0	12
Advancement of women	1995-2013	15	0	15
Human rights	2006-2013	14	0	14
Security	2013	2	0	2

The analysis of statements required repeated immersion in the discourses in order to draw out, explain, compare and contrast the various ideological underpinnings, positions and arguments as they have appeared and evolved in statements both historically and across agendas. In recognising the ICPD and FWCW as key processes concerning sexual and reproductive health rights, the statements made at the initial conferences and their subsequent review sessions (n=27) were used to establish a set of baseline characterisations of the Holy See position on sexual and reproductive health rights. This required an analysis of the strategic rhetorical function of the statements in establishing: a) the mission's purported global significance to development and human rights; b) the mission's ideological understanding and framing of issues surrounding sexuality and reproduction; c) the conceptual interpretation of the common terminology used concerning sexual and reproductive health rights; d) the stated positions in support of or in opposition to, the various elements of sexual and reproductive health and the associated rights; and e) the arguments used to negotiate and influence debates and outcomes to achieve the mission's ideological aims. The key understandings from this baseline analysis were tested and refined through the analysis and synthesis of the remaining statements arising from the broader development and human rights agendas (n=34).

Findings

The Holy See mission communicates a constant and conservative position across all UN forums on a range of agendas concerning sexual and reproductive health rights. However, the language used to assert these positions has evolved over time with a general shift away from doctrinal arguments towards the use of more secular rhetoric, using sophisticated technical evidence and strategic interpretations of international human rights standards in order to communicate its position. However the doctrinal underpinnings of the Holy See's position have not been abandoned; rather, the Holy See has selectively appropriated accepted UN language to bolster its own arguments to gain influence in sexual and reproductive health rights debates.

It is also apparent that the mission's diplomatic engagement in debates concerning sexual and reproductive health rights has increased from an average of two (2.3) statements per year during the period 2003-2009 to an average of nine (8.75) statements per year during 2010-2013.** This correlates with a comparative increase in UN meetings concerning sexual and reproductive health and the appointment of a new Permanent Observer, Archbishop Chullikatt, in July 2010.

Spiritual and pragmatic contribution

The Holy See has expressed an obligation to be "present in the life of the nations" as their fundamental mission is above all spiritual, and for the good of all humanity. [6] As such, statements have frequently emphasised the importance of the right to religious freedom as among the most fundamental human rights. In a number of statements, the Holy See also emphasises a very practical contribution to poverty eradication, pointing to the mission's unique understanding of the needs of

** The statements providing the rhetorical evidence for the findings below have been referenced according to their subheading in Appendix II which is accessible online at: <https://www.researchgate.net/publication/265250910> *The Holy See and Sexual and Reproductive Health and Rights APPENDIX II?ev=prf_pub*.

communities, and drawing on the Catholic Church's unparalleled global network of institutions including "over 5,000 hospitals, 18,000 health clinics, and 15,000 homes for the elderly and disabled" [7] and the provision of 25% of all care and treatment for the world's population living with HIV and AIDS. [8] The mission has also highlighted the considerable financial contribution made to HIV and AIDS treatment by the US Bishops Conference. [9] In promoting its strengths, however, the Holy See does not distinguish between the work of the mission and the work carried out by other Catholic institutions and NGOs – a practically and sometimes ideologically heterogeneous group.

The family: contextualising and regulating sex

The Holy See tends to express its moral positions concerning sexuality and reproduction within the context of "the family" – one with a strictly defined structure and function. While neither the Universal Declaration of Human Rights (UDHR) nor any other international legal instrument that deals with the rights of the family has defined the family, the Holy See has appropriated the UN precedent for its own definition by referencing the rights of the family as set out in the UDHR: "we know that a man and a woman united in marriage, together with their children, form a family which is the natural and fundamental unit of society" (UDHR, Art. 16, 3). [10] Building on that precedent, it then warned, in a statement in 2013, that "the family cannot be redefined at the whim of now rapid sociological evolutions". [11]

The Holy See's early statements define the function of the family as a "caring institution for the responsible transmission and nurturing of new life". [12] In ICPD negotiations, the mission outlined its moral position, limiting sexual behaviour to procreation between a married man and woman, and couching sexual behaviour in the realm of personal "responsibilities" (cited 27 times). "Responsible parenthood" is articulated as a couple's responsibility "...not to personal fulfillment, but their responsibilities to God, to the new life that they will mutually bring into the world, to their existing children and their family, as well as to society, in a correct hierarchy of moral values. Responsibility brings burdens [and] demands discipline and self restraint." [12] In response to the emergence of debates and articulation of sexual rights at the Beijing conference, the Holy See has maintained that sexual rights pertain only to the responsible use of sexuality within marriage, warning against any usage that may be interpreted as promoting "extramarital sex", "unqualified control over sexuality and fertility," or "societal endorsement of abortion and homosexuality". [13]

While the Holy See's statements concerning sexuality over the past two decades have consistently "reaffirmed the reservations" of Cairo and Beijing, these statements have been less prescriptive about personal moral responsibilities and more focused on strategically influencing the full spectrum of global policy, and containing the evolution of sexual and reproductive rights. To this end, the mission consistently calls for greater recognition of the family in cultural, political, fiscal and social policy. Most recently, at an Open Working Group session for the post-2015 development goals, the permanent observer's call upon States to recognise the family as a "cross-cutting priority" in the agenda [14] did not focus on narrow definitions, but cited seven previous UN reports, resolutions and agreements, all of which promote broad and secular notions of the family.

Comprehensive sexuality education

That transition in the Holy See's language towards increasing use of UN rhetoric to construct its arguments is evident across a number of issues. With fundamentally conservative views on sexuality, the family and parental responsibility, the Holy See engages energetically in discussions concerning sexuality education, arguing that it is parents, and not the state, who have the right to educate children and adolescents on matters of sexuality. Since 2010 when the Special Rapporteur on Education called for a rights-based approach to comprehensive sexuality education, [15] the Holy See selectively cited broad references to parental rights in various human rights instruments to

influence negotiations and consolidate its position on the matter. Specifically, the mission cited the Convention on the Rights of the Child (Art. 18,1), which states that parents have the primary responsibility for the upbringing and development of the child, [16] along with the International Covenant on Civil and Political Rights (Art. 18,4), and the International Covenant on Economic, Social and Cultural Rights (Art. 13,3), in which States Parties are obliged to respect the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions. [17,18] In constructing this argument however, the Holy See appears to strategically overlook key areas of the Convention on the Rights of the Child (about which the mission has recorded reservations), including Article 13, which outlines the “child’s right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print”, and Article 28, which emphasises the role of States Parties in “recognising the right of the child to education, with a view to achieving this right progressively and on the basis of equal opportunity”. [16]

Family planning and population policy

In establishing an absolute moral context and function for sex, it follows that the Holy See views fertility regulation as a private issue of relevance only to the traditional married man and woman – a pure and mutual obligation calling for a control of desires and restriction on sexual relations rather than an issue for public policy. The Holy See’s position on family planning, as outlined in the reservations of the Cairo Programme of Action, refers to the “well-known position concerning those family planning methods which the Catholic Church considers morally unacceptable or on family planning services which do not respect the liberty of spouses”. [19] More instructively, the mission has consistently outlined its moral objections to sterilisation, contraceptives and condoms for contraception and HIV prevention. As compared to the discourse on family planning in the ICPD statement, the Holy See has come to focus less on defining morally acceptable behaviours and more on the responsibility to create *good* policy which upholds the “dignity” and “rights” of the couple, [20] “promotes a responsible kind of personal liberty” and “creates the social conditions which will enable them to make appropriate decisions in the light of their responsibilities”. [21,22]

The Holy See also increasingly prefers technical/scientific arguments concerning population dynamics, such as below-replacement fertility rates and the fiscal pressures of old-age support ratios on governments to justify its position on contraception and family planning. [23] However valid its observations and concerns regarding population trends may be, the Holy See’s resistance to population policy does not distinguish between fertility control through legally or socially coercive policies (e.g. forced sterilisation) or the trend toward decreasing fertility rates which occur in response to policies which expand choice of and access to family planning methods.

Reproductive health rights and development

The ICPD marked a major ideological shift towards viewing people as agents with “reproductive rights” rather than objects whose fertility could be controlled by the State. But the Holy See ensured that its own unique definitions of “reproductive rights” and “reproductive health” were outlined in the reservations to the ICPD Programme of Action, and have consistently been maintaining these understandings since, as: “holistic concept[s] of health, which embrace, each in their own way, the person in the entirety of his or her personality, mind and body, and which foster the achievement of personal maturity in sexuality and in the mutual love and decision-making that characterise the conjugal relationship in accordance with moral norms”. [19]

The tensions between the Holy See and advocates of sexual and reproductive health rights have been particularly evident in the negotiations that eventually secured MDG 5b in 2007: “to achieve universal access to reproductive health by 2015”. [24] During the preceding high-level General Assembly negotiations, the Holy See warned the international community that “to debate and

create new targets, such as those on sexual and reproductive health, risks introducing practices and policies detrimental to human dignity and sustainable development, distracting our focus from the original goals and diverting the necessary resources from the more basic and urgent needs.” [25] Their resistance to the development of new goals in sexual and reproductive health rights has persisted into the post-2015 debate.

In 2009, after inclusion of the new target, the mission declared that efforts to reduce maternal mortality were being “hampered by sanitary policies which fail to take into account the right to life of the unborn child and promote birth control as a development policy and disguised health service”. [7] At the Human Rights Council, the Holy See, a vocal advocate for reducing maternal morbidity and mortality, has nevertheless objected to the reproductive rights-based approach, particularly the aims to increase access to and choice of family planning methods and address unsafe abortion. The mission has cited empirical evidence from the World Health Organization on the causes of maternal death [22,26] to assert that the solution to reducing maternal morbidity and mortality lie not in the prevention of unintended pregnancies and its consequences but in the “interventions known to address such medical crises [which] include training and employment of skilled birth attendants, provision of antibiotics and uterotonic medications, and improvement of blood banking”. [22] The mission argues as if these interventions are mutually exclusive rather than part of an integrated approach and accuses the Council of “attempts to divert much-needed financial resources from these effective and life-saving interventions to increased programmes of contraception and abortion, which aim at limiting procreation of new life or at destroying the life of a child”. [22]

Abortion

The Holy See also argues against sexual and reproductive health rights language and policy based on an implicit or explicit legitimization of abortion. In doing so the mission couples the “right to life” as set out in the Universal Declaration of Human Rights with their own fundamental doctrinal caveat that human life begins at the moment of conception. The mission also claims that “no compromise can be made with a person’s right to life itself, from conception to natural death” [27] and that these fundamental ethical values are the “common patrimony of universal morality”. [28] The most recent statement during the review of the ICPD quoted Pope Francis’ position on abortion, as outlined in his recent apostolic exhortation: [29]: “The Church cannot be expected to change her position on this question.” [30]

Numerous statements across the range of agendas highlight the mission’s vigilance and condemnation of attempts to address maternal health concerns and rape in conflict by expanding legal indications for abortion and access to abortion services, and ultimately realising a *right to abortion*. During the Security Council’s debate in 2013 on the UN Secretary-General’s report, which asserted that victims of rape in conflict should have access to emergency contraception and services to terminate pregnancy, [31] the Holy See protested that “[abortion] only visits further violence on a woman already in difficulty”. [32] Due largely to the objections of the Holy See and other conservative actors, the direct reference to abortion was dropped in the final resolution in favour of a statement that referred to the “sexual and reproductive health” of victims of rape in conflict. (para. 19). [33] In a final statement, unsatisfied and seemingly suspicious of the compromise in language, the Holy See chastised the UN for “promoting a potentially destructive notion of health care, such as sexual and reproductive health, which too often is used as a justification for taking life rather than upholding it”. [34] Similar criticisms were made in a statement to the Open Working Group session for the post-2015 goals, in which the Holy See declared that sexual and reproductive health “masquerades a nihilistic defeatism, posing as a health ‘service’ for the deliberate, systemic destruction of nascent human life”. [35]

Perhaps the most radical expression of the Holy See's opposition to abortion can be observed in the position it takes on the termination of pregnancy as emergency obstetric care, whereby the mission "urgently hopes that references to 'emergency obstetric care' will never be misconstrued to justify the forced ending of human life before birth". [28] Where continuing a pregnancy threatens to end the life of the mother, such an assertion is difficult to reconcile given the Holy See's activism for upholding the "right to life."

Gender, equality, and women's rights

Underlying the Holy See's conservative position on all elements of sexual and reproductive health rights appears to be the mission's fundamental beliefs about gender, equality and the rights of women. The Holy See first established its official position on "gender" at the Fourth World Conference on Women 1995 in Beijing, asserting that the term is "grounded in biological sexual identity, male or female" which necessarily "excludes dubious interpretations which assert that sexual identity can be adapted indefinitely to suit new and different purposes". [13] With respect to emerging LGBTI rights advocacy, the Holy See asserts that "every sign of unjust discrimination towards homosexual persons should be avoided and urges States to do away with criminal penalties against them"; however, it has criticised the use of the terms "sexual orientation" and "gender identity" in debates for being too ambiguous for legal interpretation and for "challenging existing human rights norms". [36]

The Holy See frames gender equality as the "complementarity" of women and men and as *equality in dignity* rather than actual freedoms and justifies this distinction by emphasising the differences in biology and the traditional societal roles and functions between men and women. [13,37] Since the Beijing conference and in a number of statements made during sessions of the Commission on the Status of Women (CSW), the Holy See has endeavored to draw a distinction between the sexual and reproductive rights agenda and the *authentic* or *true* advancement of women. Such advancement, the mission asserts, can only happen through the recognition of the deep fundamental anthropological truths about man and woman and not through the "exaggerated individualism" which is promoted by the sexual and reproductive rights movement. [13] In a recent statement to the Open Working Group on the post-2015 goals the Holy See demonstrated its view of women as defined by the social context in which they function as wife or mother. The mission declared that the new goals must "acknowledge and enable women to overcome barriers to equality without forcing them to abandon what is essential to them. [Women] exist within the context of relationships which provide meaning, richness, identity, and human love. Their relationships, especially their role within the family – as mothers, wives, and caregivers – have profound effects on the choices women make and their own prioritisation of the rights which they exercise across their lifespans". [38]

Discussion

While the Holy See's position on a range of issues concerning sexual and reproductive health is fundamentally unchanged, it is clear that the mission has adopted the roles common to member states, and the secular norms and processes of UN institutions, in order to influence negotiations and global public policy. Of particular significance is that the Holy See is willing to conform in language and use secular rhetoric or "religiously neutral" language [2] in order to state its position.

By grounding its definition of the structure and function of "the family" in UN precedent, the Holy See has created a social construction that logically precludes the possibility of sex that is not consciously intended for procreation, and its consequences: extramarital sex, homosexual sex, adolescent sex, unwanted pregnancy, rape and HIV transmission. In consequence, the members of the family would have no need for contraceptives, abortion, HIV prevention or comprehensive sexuality education. But despite its apparent precedent and bounded logics, the assumptions on the family that underpin this representation are in tension with the diverse realities of global

experience. When left undefined, “the family” is a core and universally acceptable notion, but when referred to by the Holy See, it becomes the all-encompassing rebuttal to both the *existence of* and *requirement for* sexual and reproductive health rights. As such the mission locates the rights and dignity of “the family” at the heart of most arguments concerning sexual and reproductive rights and continues to call for a greater incorporation of “the family” across all agendas.

Secularised arguments have also been employed in debates concerning reproductive rights to family planning and contraception in population and development policy, where the Holy See readily cites technical evidence regarding population dynamics and obstetric causes of maternal mortality to assert that policies enabling women to regulate their fertility are not only unhelpful but also harmful. However, these arguments lack the nuanced understanding required to address the problems and essentially veil the mission’s often unspoken position of absolute opposition to contraceptive use and to policies that promote family planning no matter what the motivation, i.e. to responsibly manage population growth, to prevent maternal mortality or even to meet women’s self-reported “unmet need for contraception” under MDG 5. [24]

The Holy See has also become increasingly strategic in interpreting and citing international human rights instruments, resulting in a “battle of rights”. Skillfully, sexual and reproductive health and rights have been pitted against the rights of the family, abortion rights against the right to life, and the right to comprehensive sexuality education against the rights of parents. Perhaps one of the most fundamental of tensions, however, is the Holy See’s denial of women as agents who can and should have discrete rights, buffered by their use of terms such as “complementarity” and “equality in dignity” rather than “equal rights”. Women are contextualised in terms of their function and contributions to society as wife and mother, limiting any personal entitlements to a “correct prioritisation” of their duty to the family. This utopian view of family, where every woman is treated with equal dignity, has never actually existed in the history of man, however. Thus, it would appear discriminatory for the Holy See to expect women’s bodies to bear the unequal brunt of societies’ problems, e.g. the consequences of early marriage and gender-based violence. The Holy See also appears to discriminate against women in its absolute condemnation of the termination of pregnancy even as emergency obstetric care. Despite claims to the contrary, this creates a hierarchy in the Holy See’s key “right to life” argument, placing the life of the unborn child above the mother’s rather than equal to it, as it claims. [39]

In requiring conformity to “accepted” language and existing conventions to gain ground against its interlocutors at the UN, the Holy See seeks to contain the development of agendas on sexual and reproductive health rights. It has ratified only three of the seven core international human rights instruments: [40] on racial discrimination (1969), the rights of the child (with reservations 1990), and against torture (2002). Yet the Holy See frequently exploits other norms and conventions that it has neither agreed or signed up to, e.g. the International Covenant on Civil and Political Rights and the International Covenant on Social, Cultural and Economic Rights, in order to legitimate its positions and stifle innovation. It uses the UN’s own procedural authority – essentially putting the onus back on its challengers, painting them as not accepting accepted decisions, and implicitly threatening the loss of existing positions if they open up debate again.

Despite its status as a Permanent Observer, the Holy See’s role and representation at the UN remains ambiguous. The mission behaves like a State in its engagement with UN processes but promises an essentially spiritual contribution as the government of the universal Church. This ambiguity has now been challenged by UN human rights bodies. Earlier this year, both the Committee on the Rights of the Child and the Committee Against Torture grilled the Holy See for its failure to meet its obligations as a signatory to the Conventions and for not preventing and adequately addressing the widespread sexual abuse of children by some Catholic clergy. The

Committee on the Rights of the Child reminded the Holy See that “by ratifying the Convention, it has committed itself to implementing the Convention not only on the territory of the Vatican City State but also as the supreme power of the Catholic Church through individuals and institutions placed under its authority”. [41] The Committee even pointed out that parts of the Holy See’s normative framework, Canon Law, were at odds with the Convention on the Rights of the Child and that as a signatory to this Convention, the Holy See should revise its ecclesiastical laws accordingly. [41] In response, the Holy See emphasised to the Committees the distinction between its symbolic international personality and the sovereignty it exercises over the Vatican City State, claiming that its legal jurisdiction to enforce human rights conventions does not extend beyond the territory of the Vatican City. [42]

Yet the impact of the Holy See extends far beyond the Vatican City and its diplomatic representation as a UN Permanent Observer, through global Catholicism and its alliances with other conservative State and non-State actors. Its positions have been largely unchanged, but its capacity to reinterpret them in secular rhetoric, and to exploit the politics of UN language and diplomacy is a significant and dynamic transformation. Understanding this is an important step in recognising what obstacles lie ahead in the battle to realise sexual and reproductive health rights in a changing global environment.

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Résumé

Le Saint-Siège s'est engagé largement dans des négociations aux Nations Unies sur les questions concernant les droits à la santé sexuelle et génésique à mesure qu'elles ont émergé et évolué dans un ordre du jour mondial dynamique ces vingt dernières années. Une étude des déclarations officielles de la mission a examiné sous forme de métanarration les positions, les discours et les tensions à travers un vaste éventail de préoccupations. Le Saint-Siège représente une position stable

et fondamentalement conservatrice sur une palette de thèmes relatifs aux droits à la santé sexuelle et génésique. Néanmoins, la mission a fait preuve de dynamisme dans les moyens choisis pour avancer ses arguments, se fondant de plus en plus sur des revendications techniques sécularisées et des données empiriques ; en interprétant stratégiquement les normes des droits de l'homme conformément à sa propre position ; et en encadrant la sexualité et la procréation dans le contexte de « la famille ». Vues dans le contexte plus large d'une « résurgence religieuse » dans les relations internationales et à la lumière des alliances que le Saint-Siège a fréquemment cherché à nouer avec des acteurs étatiques et non étatiques conservateurs, ces conclusions sont fort utiles pour comprendre la lenteur des progrès ainsi que les obstacles potentiels qui attendent la lutte pour réaliser les droits à la santé sexuelle et génésique dans un environnement politique mondial en évolution.

Resumen

La Santa Sede ha participado extensamente en negociaciones con las Naciones Unidas sobre asuntos relacionados con salud y derechos sexuales y reproductivos según han ido surgiendo y evolucionando en una agenda mundial dinámica en las últimas dos décadas. Se realizó una revisión meta-narrativa de las declaraciones oficiales de la misión para examinar las posturas, discursos y tensiones en una amplia gama de agendas. La Santa Sede representa una postura fundamentalmente conservadora y estable frente a una variedad de asuntos inquietantes de salud y derechos sexuales y reproductivos. Sin embargo, la misión ha sido dinámica en las maneras en que ha presentado sus argumentos, dependiendo cada vez más de afirmaciones técnicas secularizadas y evidencia empírica; interpretando estratégicamente las normas de los derechos humanos en maneras que concuerdan con su postura; y definiendo la sexualidad y reproducción en el contexto de "la familia". En un contexto más amplio de "resurgimiento religioso" en las relaciones internacionales, y en vista del hecho de que la Santa Sede frecuentemente ha procurado formar alianzas con actores conservadores Estatales y no Estatales, estos hallazgos nos permiten entender el lento progreso así como los posibles obstáculos en la batalla para hacer realidad la salud y los derechos sexuales y reproductivos en un ambiente político mundial que está cambiando.