

Women's rights and the right to life

A number of discriminations prevent certain categories of people from enjoying human rights recognized under international law. In particular, violations of women's sexual and reproductive health rights are common. They take the form of denial of access to services that only women need, or poor quality services, women's access to services subject to the authorization of third parties, and the performance of procedures related to women's sexual and reproductive health without women's consent, including forced sterilization, forced virginity examinations and forced abortion. In many societies, women are valued on the basis of their ability to reproduce. Early marriage and pregnancy, or repeated pregnancies too closely spaced, often as a result of efforts to produce male offspring, have a devastating impact on women's health with sometimes fatal consequences.

Within the framework of the United Nations, the Committee on the Elimination of Discrimination against Women is a body of independent experts that monitors the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (1979). It proclaims in particular that women should enjoy the same rights as men to « decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means necessary to enable them to exercise these rights » (art. 16 e). And the Beijing Platform for Action states that « the human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free from coercion, discrimination and violence ». The Maputo Protocol (2003) is the first human rights treaty to explicitly call for « authorizing safe abortion in cases of sexual assault, rape, incest and when pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus. » (Article 14). The Office of the High Commissioner for Human Rights also calls for the decriminalization of abortion on the grounds that the criminalization of services that only women need is discrimination against women.

Furthermore, the Convention on the Rights of the Child (1989) stipulates that « States Parties recognize that every child has the inherent right to life » (art. 6) and that « for the purposes of the present Convention, a child means any human being under the age of eighteen, unless the majority is reached earlier under the legislation applicable to him/her » (art. 1). If it adds that he or she is registered immediately after birth and enjoys rights, it does not pronounce on the moment of appearance of the human being who will be a child.

The Holy See, along with a number of other States, has had the opportunity to express reservations about the doctrine of sexual and reproductive health implemented within the UN mechanisms. The Catholic Church has summarized its position on abortion in the Catechism of the Catholic Church:

« Human life must be respected and protected absolutely from the moment of conception. From the very first moment of his/her existence, the human being must be recognized as having human rights, among which is the inviolable right to life of every innocent human being » (No.

2271), « The inalienable right to life of every innocent human individual constitutes a constituent element of civil society and its legislation: The inalienable rights of the individual must be recognized and respected by civil society and political authority. Human rights do not depend on individuals or parents, and do not even represent a concession of society and the State; they belong to human nature and are inherent in the person by reason of the creative act from which he or she derives. Among these fundamental rights is the right to life and physical integrity of every human being from conception to death. (...) As a consequence of the respect and protection that must be ensured to the child from the moment of conception, the law must provide for appropriate penal sanctions for any deliberate violation of his/her rights » (No. 2273).

Among the issues raised by the reconciliation of women's rights and the right to life, we can note the following:

1. To what extent does the Catholic vision of marriage and the family meet, positively or negatively, with the promotion of sexual and reproductive health by international organizations? Is there an area of dialogue between the two conceptions?
2. Is it possible to value the Church's point of view regarding a right to life from conception, implying that the embryo « must be treated as a person » (no. 2274), without appearing to challenge head-on the sexual and reproductive health rights of women promoted internationally?
3. Does the moral judgment of the Catholic Church on abortion necessarily imply its legal penalization, or can it be considered a prudential decision?
4. Can the Order of Preachers speak on this theme in a way that takes into account the socio-cultural diversities of its members, is coherent with the doctrine of the Church and is credible in the defence of human rights that are considered indivisible?
5. Can the defence of the right to life be invoked in favour of the mother when the pregnancy endangers her? To what extent is the principle of double cause and effect applicable?
6. Can the Apostolic Exhortation *Amoris laetitia* (2016), through its focus on subjective responsibility, help to overcome the tension between the rights of women and the right to life of the child?