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The Holy See and International Legal Issues Concerning Children and the Family

With Particular Regard to the UN Convention on the Rights of the Child, Population Conferences, and the 1983 Charter of the Rights of the Family

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The present article provides a brief overview of the Holy See's position under international law with regard to the legal status and rights of the child, as well as the institution of the family. Our aim is to outline, in a rather schematic manner, the extent to which the Holy See has been able to assert its own approach within the relevant fields of international legal regulation. The Holy See in the 20th century, based on its social teachings, has developed a strong and consistent position at international level regarding the protection of human rights, with a particular focus on the rights of the child and the rights of the family. Even if the Holy See has never become a member of the United Nations and still today it maintains its observer status, it has been more and more active in contributing to international codification efforts in this field. The travaux préparatoires of the UN Convention on the Rights of the Child show this active participation in law making clearly, but as this article shows, it could only have a very limited influence on the treaty.

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The Holy See's contribution to the drafting of the Convention on the Rights of the Child[3]

The 1989 Convention on the Rights of the Child (CRC) is among the very few[4] universal human rights treaties to which the Holy See is a party and in whose drafting process it actively participated. The initiative to elaborate the Convention was originally put forward by the Polish government in 1978 – significantly, in the very year of Karol Wojtyła's election as Pope – within the framework of the United Nations Commission on Human Rights. In the following year, the Commission established a working group (Detrick 1992: 1) tasked with examining the Polish draft convention (Polish People's Republic 1978: 48). The codification process lasted nearly a decade, and the importance attached to the instrument is well illustrated by the fact that, following the deposit of the required number of ratifications (twenty), the CRC entered into force as early as 1990.

International legal protection specifically devoted to children's rights, however, predated the CRC. Earlier instruments had already addressed particular aspects of child protection, notably in the context of child labour, within the framework of the International Labour Organization.[5] Moreover, although not formally regarded as sources of international law, the CRC's normative antecedents include the Declaration of the Rights of the Child (Office of the United Nations High Commissioner for Human Rights 2007a: 3) adopted by the General Assembly of the League of Nations in 1924, as well as the identically titled Declaration adopted by the United Nations General Assembly in 1959 (United Nations General Assembly [UNGA] 1959).

From the outset of the negotiations, the Holy See advanced a proposal during the discussion of the preamble, supported by several other states, to include an explicit reference to prenatal life, in line with the wording of the 1959 Declaration of the Rights of the Child. The third preambular paragraph of that Declaration states: 'Whereas the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, *before as well as after birth*'(emphasis added).

In accordance with this formulation, the Holy See advocated for the inclusion of the phrase 'before as well as after birth' in the preamble of the CRC. This proposal was opposed by other delegations on the grounds that such wording would compromise the Convention's neutrality with regard to abortion and that the definition of the 'child' should be addressed not in the solemn introductory part of the treaty but rather in its

3 For a detailed analysis of the international legal obligations of the Holy See concerning children's rights, see Lux, Ágnes (2022): *Gyermekjogok és kereszténység: a Szentszék nemzetközi gyermekjogi kötelezettségei.* Budapest: HVG-ORAC.

4 In fact, only three universal human rights treaties exist to which the Holy See is a party. In addition to the Convention on the Rights of the Child and its Optional Protocols discussed throughout the text, these include the 1965 International Convention on the Elimination of All Forms of Racial Discrimination and the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

5 See, for example, the 1973 Convention concerning Minimum Age for Admission to Employment (as well as earlier conventions concluded on the same subject), and the 1999 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

operative provisions, specifically in Article 1 (UNCHR Working Group 1980). As a compromise, and upon Ireland's suggestion, the working group decided to place the Holy See's proposed language in square brackets, pending the finalisation of Article 1 (UNCHR Working Group 1980: 102). Ultimately, once agreement was reached on the latter, the bracketed text was deleted.

The delegations supporting the deletion argued that, given the deliberately neutral formulation of Article 1 and the significant diversity of domestic abortion laws at the time, only the omission of the contested phrase could ensure the widest possible participation of states in the Convention (United Nations Commission on Human Rights, Working Group 1980: 102). Other delegations, by contrast, maintained that the Holy See's proposal was sufficiently neutral, as it did not specify the precise temporal scope of prenatal protection (UNCHR Working Group 1980: 102). Still others suggested that, since the majority of domestic legal systems – while not necessarily recognising the fetus as a child or person – nevertheless afforded it some degree of legal protection, this reality could justify explicit consideration of the issue within the Convention itself.

The debate was eventually postponed, with the working group seeking to resolve the matter in subsequent sessions by removing the Holy See's proposal from the draft while compensating for this omission by referencing the 1959 Declaration elsewhere in the text (UNCHR Working Group 1980: 102). Such a solution would have considerably softened the Vatican's preferred formulation. This compromise, however, proved insufficient for delegations favouring a more permissive approach to abortion, which ultimately rejected even an explicit reference to the relevant passage of the Declaration.

Notably, the issue resurfaced at a much later stage of the codification process, nearly nine years after negotiations had begun. At that point, several states once again sought to incorporate the phrase 'before as well as after birth' into the preamble. These formally distinct but substantively identical proposals were advanced primarily by predominantly or significantly Catholic states, including the Federal Republic of Germany, Ireland, Malta, the Philippines, and the Holy See itself (UNCHR Working Group 1988: 108), and were supported by both Catholic and Muslim states such as Italy, Venezuela, Senegal, Kuwait, Argentina, Austria, Colombia, Egypt, as well as by a non-governmental organisation (UNCHR Working Group 1988: 109). Opposing them were primarily states with Protestant majorities, religiously plural societies, non-Christian states, or states adhering to officially atheist ideologies, including Norway, the Netherlands, India, China, the Soviet Union, Denmark, Australia, Sweden, the German Democratic Republic, and Canada (UNCHR Working Group 1988: 109).

Delegations opposing any reference to prenatal life argued that it was unnecessary to reopen a debate previously closed due to the lack of consensus, that the fetus could not be regarded as a person, and that the Declaration would in any event be superseded by the Convention, rendering strict adherence to its formulations unwarranted (UNCHR Working Group 1988: 109). Poland, for its part, contended that the existing preambular wording reflected a delicate balance that did not exclude fetal protection and allowed for broad interpretation (UNCHR Working Group 1988: 109). The Italian delegate went

further, suggesting that fetal rights amounted to norms of *ius cogens,* since the principles of the Declaration had never been openly contested by any state and reflected the shared moral conscience of the international community, without contradicting the concept of 'responsible motherhood' (UNCHR Working Group 1988: 109).

Ultimately, the position supported by the Holy See prevailed. The ninth preambular paragraph of the CRC incorporates the relevant wording of the 1959 Declaration, stating:

'Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, *before as well as after birth*"' (emphasis added).

During the negotiations concerning the treaty definition of the 'child' and the right to life of the child, the Holy See reiterated its position regarding the status of the fetus. The Vatican's representative – formally participating as an observer – maintained that life begins at the moment of conception and that the transmission of life is intrinsically linked to marriage, which alone is entrusted with this mission (UNCHR Working Group 1988: 121–122). The states ultimately adopted a formulation that refrained from determining the temporal beginning of childhood or human life, specifying only its endpoint at eighteen years of age, subject to exceptions under domestic law where majority is attained earlier.[6]

In this context, it is worth noting that the term *inherent* (or *inhérent* in the French version) does not mean 'innate' or 'inborn' in a strictly biological sense but rather denotes a quality that is intrinsically attached to, inseparable from, and implicit in a given status.[7] The Spanish version of the Convention similarly employs the term *intrínseco,* meaning 'internal', 'essential', or 'indispensable'.[8] This interpretation does not necessarily imply a prohibition of abortion under international law, since the right to life is not absolute and only the arbitrary deprivation of life is prohibited, although developments in international human rights law increasingly point toward an absolute prohibition in the case of persons already born.

This translational issue is not isolated, as Hungarian legal instruments have consistently rendered *inherent* in this manner, including in the International Covenant on Civil and Political Rights and the Convention on the Rights of Persons with Disabilities. At the signing of the CRC in 1989, Archbishop Renato Martino, then Permanent Observer of the Holy See to the United Nations, argued that although the Vatican would have preferred the explicit inclusion of the unborn child's right to life in the operative provisions of the Convention, the ninth preambular paragraph nevertheless provides authoritative guidance for the interpretation of the CRC (Office of the United Nations High Commissioner for Human Rights 2007b: 253). The Holy See reinforced this position

6 See Article 1 of the Convention on the Rights of the Child.

7 Macmillan Dictionary Online: Definition of 'inherent': https://www.macmillandictionary.com/dictionary/british/inherent and Larousse Dictionary Online: Definition of 'inhérent': https://www.larousse.fr/dictionnaires/francais/inh%C3%A9rent/43102#definition.

8 Real Academia Española Dictionary Online: Definition of 'intrínseco': https://dle.rae.es/intr%C3%ADnseco?m=form

through an interpretative declaration submitted upon signature (United Nations Treaty Collection s. a.), expressly referring to Article 31 of the 1969 Vienna Convention on the Law of Treaties, which includes the preamble among the elements relevant for treaty interpretation.[9]

The importance attached by the Holy See to the international legal protection of children's rights is further demonstrated by the fact that it was the fourth entity to accede to the CRC, following Ecuador, Ghana, and Viet Nam (United Nations Office of the High Commissioner for Human Rights s. a.).

The 1983 Charter of the Rights of the Family

On 22 October 1983, following the recommendations of the 1980 Synod of Bishops (Synod of Bishops 1980) devoted to the 'Christian family', the Holy See promulgated the *Charter of the Rights of the Family* (hereinafter: the Charter). Its provisions are largely grounded in the doctrinal teachings of the Catholic Church. It is worth noting that the rapporteur of the Synod was Joseph Ratzinger, later Pope Benedict XVI (Synod of Bishops 1980).

Taken together, the preambular paragraphs of the Charter outline a coherent definition of the family. According to this conception, the family is founded upon marriage (Holy See 1983: para. B), understood as an intimate and complementary union of life between a man and a woman. Marriage is presented as a natural institution whose exclusive mission is the transmission of life (Holy See 1983: paras. B–C). From the perspective of the Holy See, marriage thus constitutes not merely the framework but also the very purpose of procreation (Holy See 1983: para. B). The marital bond – freely entered into and publicly affirmed by the spouses – is, therefore, intrinsically oriented toward the generation of children.

On this basis, the family is described as a natural society that precedes the state and any other form of community and possesses specific, inalienable rights of its own (Holy See 1983: para. D). It is more than a legal, sociological, or economic unit; it is also a community of love and solidarity (Holy See 1983: para. E). Pope Francis, echoing the position of the French Episcopal Conference, has emphasised that marriage 'transcends the feelings and momentary needs of the couple', as it arises from a profound mutual commitment between the spouses and toward their shared life project (Francis 2014: para. 66). In addition to its primary aim of transmitting life, the family is entrusted with the transmission of cultural, moral, social, spiritual, and religious values indispensable to both family members and society as a whole (Holy See 1983: para. E).

The Charter further emphasises that the family encompasses multiple generations living together and supporting one another. Within this framework, the rights and interests of individuals and society are harmonised (Holy See 1983: para. F), and certain essential social and communal dimensions of human rights find their primary expression within the family. In this respect, the Charter reinforces the formulation of the 1948

9 See Article 31(1)-(2) of the 1969 Vienna Convention on the Law of Treaties.

Universal Declaration of Human Rights, according to which 'the family is the natural and fundamental group unit of society and is entitled to protection by society and the State'.[10] The Charter reiterates this idea by affirming that the family and society are bound by a close relationship of mutual complementarity and share responsibility for the protection of the human person and humanity at large (Holy See 1983: para. G).

Consequently, society – and in particular the state and international organisations – has a duty to protect the family through political, economic, social, and legal means (Holy See 1983: para. I). This entails strengthening the unity and stability of the family so that it can fulfil its functions effectively (Holy See 1983: para. I). The Charter observes that, despite the lessons drawn from the experiences of numerous cultures throughout human history confirming the necessity of the family institution (Holy See 1983: para. H), certain laws, socio-economic structures, and public programmes nonetheless neglect or even threaten the rights and values of the family (Holy See 1983: para. J). Particular attention is drawn to families living in poverty, whose ability to fulfil their role with dignity is often compromised (Holy See 1983: para. K).

In pursuit of these objectives, the Charter proclaims the fundamental and inalienable rights of the family, while its initial provisions focus on the related individual rights of the persons constituting the family. Article 1 establishes, as a matter of principle, that everyone has the right freely to choose their 'life situation', whether to start a family or to remain single. Accordingly, every man and woman who has reached the legally required age and possesses the necessary capacity has the right to marry and to establish a family (Holy See 1983: Article 1). This right must be enjoyed without discrimination and may be restricted – temporarily or permanently – only by law, and solely for serious reasons relating to the institution of marriage itself. Even in such cases, the dignity and fundamental rights of the persons concerned must be respected [Holy See 1983: Article 1(a)].

Persons wishing to marry and to start a family are entitled to expect the state to create moral, educational, social, and economic conditions enabling them to exercise this right with maturity and responsibility [Holy See 1983: Article 1(b)]. Moreover, public authorities are required to recognise the institutional value of marriage [Holy See 1983: Article 1(c)]. As a corollary, the Charter explicitly rejects the legal equivalence of married couples and non-marital partnerships [Holy See 1983: Article 1(c)].

Marriage cannot arise from coercion; it may be concluded only on the basis of the free and full consent of the intending spouses, duly expressed (Holy See 1983: Article 2). While the Charter acknowledges that in certain cultures the family may play a role in guiding the choice of a spouse [Holy See 1983: Article 2(a)], respect for such traditions does not diminish the right of adult children freely to choose their future partner [Holy See 1983: Article 2(a)]. Of particular practical relevance in religiously mixed societies is the Charter's provision that any precondition for marriage requiring one party to renounce their faith or to make a declaration contrary to their convictions

10 Universal Declaration of Human Rights (1948): Art. 16(3).

constitutes a violation of the right to freedom of religion of the prospective spouses [Holy See 1983: Article 2(b)].

Within marriage, man and woman complement one another, enjoy equal dignity, and possess equal rights with respect to marriage [Holy See 1983: Article 2(c)]. The Charter affirms the inalienable right of spouses to start a family and to determine the timing and number of children they will bring into the world. In exercising this right, they are required to take full account of their responsibilities toward each other, their existing children, the family as a whole, and society (Holy See 1983: Article 3). The right to family planning is framed by a just hierarchy of values and an 'objective moral order' (Holy See 1983: Article 3), which excludes recourse to contraception, sterilisation, and abortion (Holy See 1983: Article 3). In practical terms, this moral order confines marital sexual relations to openness toward procreation and imposes a corresponding sense of responsibility on the spouses, while simultaneously excluding any state intervention that would run counter to these principles.

The Charter further declares that any attempt by public authorities or private organisations to restrict the spouses' freedom of decision in these matters constitutes a grave violation of human dignity and justice [Holy See 1983: Article 3(a)]. Accordingly, in international relations it is impermissible to condition development assistance on the acceptance of contraception, abortion, or sterilisation [Holy See 1983: Article 3(b)]. Families are entitled to receive support from society in bringing children into the world and raising them. Special protection must be afforded to large families, which are entitled to the benefits of non-discrimination and may legitimately claim appropriate assistance from the state [Holy See 1983: Article 3(b)].

Beyond family rights as such, the Charter also proclaims the fundamental rights of children and parents within the family. Consistent with its well-known position reflected in the context of the Convention on the Rights of the Child, the Charter regards conception as the beginning of human life and considers abortion a direct violation of that life [Holy See 1983: Article 4(a)]. As the fetus is thus understood to be a human being, it is entitled not only to the right to life but also to human dignity [Holy See 1983: Article 4(b)]. Consequently, any form of experimentation on or exploitation of the fetus is prohibited.

From a legal standpoint, the Charter divides human life into two stages: childhood and adulthood. Only persons in the latter category possess full decision-making capacity with respect to submitting voluntarily to experiments performed on their bodies. Both the unborn and the born child lack such free will, as their situation is inherently dependent on others. For this reason, no experimentation may be carried out on either the fetus or the born child, even with parental consent. Any genetic intervention not aimed at remedying a disorder infringes the right to bodily integrity and runs counter to the good of the family [Holy See 1983: Article 4(c)]. While therapeutic genetic interventions may be permissible where they seek to correct physical abnormalities, the modification of inherited characteristics – such as altering the sex of the unborn child – is incompatible with respect for bodily integrity.

The special relationship between mother and child is protected by provisions granting both the child, before and after birth, and the mother during the same period, a right to special protection [Holy See 1983: Article 4(d)]. More generally, every child is entitled to the protection of society, irrespective of whether they are born within or outside marriage [Holy See 1983: Article 4(e)]. Orphans and children deprived of parental support are entitled to particular care [Holy See 1983: Article 4(f)]. States are obliged to facilitate adoption by suitable families, while ensuring that adoption laws respect the natural rights of parents [Holy See 1983: Article 4(f)]. Children with disabilities have a right to an environment – both within the family and in educational institutions – that enables their human development [Holy See 1983: Article 4(g)].

Central importance is attached to parents' educational rights. The Charter recognises parents as the primary and principal educators of their children by virtue of having given them life. This right is original, primary, and inalienable (Holy See 1983: Article 5), existing independently of the state and incapable of being transferred to other individuals or political communities. Parents therefore have the right to educate their children in accordance with their moral and religious convictions and cultural traditions, with due regard for the dignity and best interests of the child. Society is obliged to assist parents in fulfilling this educational mission [Holy See 1983: Article 5(a)].

Parents are free to choose the schools their children attend and the manner of their upbringing in accordance with their conscience. Public funds must be allocated in such a way as to enable parents genuinely to exercise this choice without incurring unjust burdens [Holy See 1983: Article 5(b)]. The Charter further affirms that sexual education is a fundamental right of parents, whether it takes place within the home or in educational institutions [Holy See 1983: Article 5(c)]. Consequently, any sexual education provided in schools must occur under the close supervision of parents, and no such instruction may be offered without prior consultation and agreement with them [Holy See 1983: Article 5(c)]. Excluding all forms of religious education from the public school system likewise constitutes a violation of parents' educational rights [Holy See 1983: Article 5(d)]. Parents are also entitled to participate in the formulation and implementation of educational policy and in the governance of schools [Holy See 1983: Article 5(e)], through appropriate forms of cooperation between parents, teachers, and educational institutions [Holy See 1983: Article 5(e)].

Families additionally have the right to protect young children from harmful media influences, a task in which the state bears primary responsibility for providing assistance [Holy See 1983: Article 5(f)].

The Charter affirms the family's right to exist and to develop as a family. Public authorities are therefore obliged to respect and promote the family's dignity, legitimate autonomy, intimacy, integrity, stability, and unity [Holy See 1983: Article 6(a)]. Divorce is described as an attack on the institutions of marriage and the family [Holy See 1983: Article 6(b)], and the state is accordingly cautioned against promoting it. While recognising both the nuclear family and more traditional extended family forms without

prioritising either, the Charter emphasises the role of the latter in fostering solidarity and mutual assistance among family members [Holy See 1983: Article 6(c)].

The family has the right to religious life in both private and public spheres. In the private sphere, parents are responsible for organising the family's religious life (Holy See 1983: Article 7). In the public sphere, families are entitled to profess and manifest their faith without discrimination, to participate in worship and religious gatherings (Holy See 1983: Article 7), and to ensure that religious spaces – particularly places of worship and community centres – are family-friendly. Families also enjoy participatory rights, including the right to form associations with other families and institutions for the protection of their rights and interests [Holy See 1983: Article 8(a)]. Through these activities, families contribute to the social and political life of society (Holy See 1983: Article 8).

Families and family associations have the right to participate in the planning and implementation of economic, social, legal, and cultural decisions affecting them, a responsibility that rests primarily with the state [Holy See 1983: Article 8(b)] through the development of appropriate family policies (Holy See 1983: Article 9). In the economic sphere, this includes ensuring adequate material resources, reducing or eliminating inheritance and transfer taxes among family members [Holy See 1983: Article 9(a)], and securing stable social conditions in cases of death, separation, accident, or illness affecting a family's earning capacity [Holy See 1983: Article 9(b)]. Older family members likewise possess rights, including the right to live within their family or, where this is not possible, in suitable institutions or conditions that allow them to experience old age with dignity and to remain socially active [Holy See 1983: Article 9(c)].

The Charter also protects the rights of family members serving custodial sentences, affirming their right to maintain contact with and receive support from their families [Holy See 1983: Article 9(d)] – an entitlement flowing directly from the principle of family unity. The same principle underpins the right of families to a social and economic order that organises work in a manner compatible with family life, safeguarding family unity, well-being, health, and stability (Holy See 1983: Article 10). Working conditions must also allow families sufficient leisure time (Holy See 1983: Article 10). This objective may be pursued, inter alia, through remuneration levels adequate to establish and sustain a family with dignity.

In this context, the Charter refers to the possibility of introducing a 'family wage', [Holy See 1983: Article 10(a)] calculated not on the basis of individual minimum income but with regard to the needs of a family, for example one with four members. Social benefits such as family allowances or remuneration for a parent's work within the home are likewise emphasised. The family wage should be set at a level that does not compel mothers to seek employment outside the home [Holy See 1983: Article 10(a)]. Correspondingly, domestic work performed by mothers must be recognised and respected as valuable labour benefiting both the family and society [Holy See 1983: Article 10(b)]. Finally, the Charter affirms the family's right to decent housing, understood as accommodation suitable for family life, proportionate to the number of family members, and located in an

environment providing access to essential services necessary for family and community life (Holy See 1983: Article 11).

The 1983 Charter also recognises certain fundamental rights of migrant families. It prohibits discrimination between families composed of migrants, guest workers, or native citizens (Holy See 1983: Article 12), while acknowledging specific rights of migrant families, including respect for their culture and assistance with social integration [Holy See 1983: Article 12(a)]. In the case of guest workers and refugees, the Charter effectively recognises the right to family reunification [Holy See 1983: Article 12(b–c)], entitling them to seek the assistance of public authorities and international organisations for this purpose [Holy See 1983: Article 12(c)].

The Holy See's participation in United Nations Population Conferences

The World Population Conferences have served as periodic 'global fora' of the international community in which states, typically at intervals of several decades, assess and debate the most pressing challenges related to global population trends. Although the United Nations had already organised population-related meetings in Rome in 1954 and in Belgrade in 1965, these early gatherings were attended primarily by scholars and other experts (United Nations s. a.a). The first genuinely intergovernmental World Population Conference took place in Bucharest in 1974 (United Nations s. a.a). The Holy See participated in this conference, having held permanent observer status at the United Nations since 1964.

The Bucharest Conference focused primarily on the phenomenon of population growth in what was then commonly referred to as the 'Third World' and on its anticipated consequences. Throughout the proceedings, the Holy See firmly opposed policies of birth control, particularly the promotion of contraception (Avramov–Cliquet 2016: 95). Pope Paul VI was represented in Bucharest by Cardinal Jean Villot, Secretary of State, who emphasised that '[A]ny population policy must, likewise, guarantee the dignity and stability of the institution of the family by ensuring that the family is provided with the means enabling it to play its true role' (Villot 1974). Consequently, decisions concerning the number of children to be born, he argued, must rest with parents rather than public authorities (Villot 1974).

At the Second World Population Conference, held in Mexico City in 1984, the primary objective was to review the implementation of the Plan of Action (United Nations 1975) adopted in Bucharest (United Nations 1984: paras. 2–16). Although the Holy See took an active part in the conference deliberations, it was unable to support several of the recommendations ultimately adopted. It abstained, for example, from voting on a recommendation prohibiting the settlement of foreign populations in occupied territories, which it regarded as having an overtly anti-Israeli character (United Nations 1984: para. 133). Moreover, it did not endorse recommendations that sought to grant unmarried couples parental rights equivalent to those of married spouses or

that envisaged family planning through means incompatible with biblical teaching (United Nations 1984: paras. 172–175).

Ten years later, the next major intergovernmental conference on population was convened in Cairo. The Holy See likewise participated in the Third World Population Conference in 1994, a milestone event that introduced the concepts of reproductive and sexual health, as well as reproductive rights, into the international policy discourse (United Nations s. a.b). By that time, the global approach to population issues had undergone a significant transformation. Whereas abortion had not previously been considered a legitimate instrument of family planning, the Cairo Conference marked a shift in this regard. Moreover, the family-centred perspective traditionally associated with the Catholic Church – summarised in the notion of 'responsible parenthood' – was increasingly supplanted by a strongly individualistic approach grounded in reproductive health and reproductive rights.

The concept of responsible parenthood presupposes state support for parents and the strengthening of families (John Paul II 1994) so that spouses are genuinely able to make informed and responsible decisions. By contrast, the reproductive rights framework approaches population and family planning primarily from the perspective of women's rights and, as a logical consequence, tends to regard abortion and contraception as permissible. While the Holy See welcomed the fact that population issues were explicitly linked to development at Cairo, it was unable, for these reasons, to support all of the conference's recommendations (Martino 1999). It also condemned the endorsement of so-called 'emergency contraception', on the grounds that its effects may include the termination of pregnancy (Martino 1999).

The Holy See nevertheless considered it important to note that, according to the preamble of the Cairo Programme of Action, the conference did not recognise an international right to abortion. At the same time, it viewed the fact as a warning sign that abortion was mentioned within the chapter devoted to reproductive health and rights. In light of these concerns, the Holy See – following its positions at Bucharest and Mexico City – was unable to give unqualified support to the Cairo Programme of Action and entered reservations with respect to several of its provisions (United Nations 1995: para. 27). It reaffirmed this stance during the 1999 review conference assessing the implementation of the Programme of Action (Martino 1999).

The year 1994 also marked a procedural turning point. Instead of convening World Population Conferences every ten years, the international community decided to conduct five-yearly reviews of the Cairo Programme of Action, which had been adopted for a twenty-year period. These review conferences have since been organised by the United Nations Commission on Population and Development (CPD) and the United Nations Population Fund (UNFPA).

At the major review conference held in 2014, the representative of the Holy See – serving as chargé d'affaires – adopted a notably critical tone. According to Janusz Urbanczyk, developments since 1994 appeared to suggest that so-called reproductive rights had come to eclipse all other considerations, a trajectory that he viewed as inevitably leading toward the liberalisation of abortion. He further argued that the 'zero

draft' of the conference outcome document prepared by the CPD seemed to imply that pregnancy itself was being treated as a form of pathology (Permanent Observer Mission of the Holy See to the United Nations 2014).

At the 2019 Nairobi Summit, organised outside the formal framework of the United Nations to mark the twenty-fifth anniversary of the adoption of the Cairo Programme of Action, the Holy See chose not to be represented (Catholic News Agency 2019). According to the Vatican, this decision was prompted by the content of the preparatory document – drafted with the involvement of UNFPA as well as the Danish and Kenyan governments – which significantly narrowed the scope of the Cairo agenda to issues of reproductive health and rights and comprehensive sexuality education (Catholic News Agency 2019). Notably, parallel to the Nairobi Summit, Kenyan archbishops and bishops organised an alternative event expressing opposition to the direction taken by the official conference (Catholic News Agency 2019).

Finally, in its statement (Permanent Observer Mission of the Holy See to the United Nations 2024) issued on the occasion of the thirtieth anniversary of the Cairo Programme of Action, the Holy See also expressed regret that several important issues had been removed from the draft text of the declaration (United Nations Commission on Population and Development 2024). It further observed that, in its assessment, the positions of the participating States had moved even further away from those prevailing in 1994, and it reiterated the reservation formulated at that time, according to which 'the term gender is understood by the Holy See as grounded in biological sexual identity, that is, the two sexes, male and female' (Holy See 1994).

In lieu of conclusions

Overall, it may be concluded that the Holy See was only able to exert a very limited influence on the relevant processes of norm-creation. Its official positions and the provisions of the 1983 Charter of the Rights of the Family are reflected only faintly in the text of the 1989 Convention on the Rights of the Child, while the Holy See gradually withdrew from active engagement in United Nations conferences on population issues. This development can be explained in part by the growing number of members of the international community – that is, States – which has resulted in increasing international social, religious and ideological heterogeneity, as well as by the progressive secularisation of traditionally Catholic-majority countries and, ultimately, by a broader reconfiguration of prevailing social values.

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