



RIGHTS, JUSTICE & REPRODUCTION

How should we conceptualise and frame matters and concerns about reproduction? For lawyers the go-to solution is growingly the rights framework and the analytical categories that come with the particulars of legal analyses: access, autonomy, agency, choice. Different aspects of reproduction have reached both domestic courts and transnational human rights forums as rights issues subjected to balancing and proportionality tests. Such jurisprudence tends to focus on carving out the contours of entitlements and services, and standard-setting. Moreover, there is a notable trend in the UN international human rights system to use and further develop specifically the language of reproductive rights, which has gained some, although indeed limited and contested, global acceptance.

Other social scientists have been critical about this “rights talk”. Their critique has evolved in the emergence of reproductive justice, a concept considered to be different from reproductive rights as it “aims to shed light on the gap between legal rights, and the actual usage of such rights and thus makes the connection between reproductive rights and social justice” (Mottier; 2013). It has been argued that whereas “rights are salient in a legal domain, justice engages with morality in a broader sense and challenges power inequalities, which makes reproductive justice distinct from rights in its function as a moral indicator” (Unnithan, Pigg: 2014).

In our short presentations we will draw on research to do with abortion legislation (in Estonia, India and the UK) to explore the spaces ‘in-between’ this constructed binary of rights and justice.

More broadly, we ask how to make the most of the human rights system, but simultaneously question, under what circumstances is regulation (the law) empowering or oppressive? How can we have trans-disciplinary projects and incorporate research that engages with the lived experiences of human beings?

Liiri Oja (PhD Researcher, European University Institute) will draw from the example of Estonia, and explore why very problematic reproduction and gender narratives can co-exist with a functioning abortion law, good obstetric care, mandatory sex education, and what to do about that. Maya Unnithan (Professor of Anthropology, CORTH) will speak about these themes drawing on her recent article on the discourse of the legal regulation of sex-selective abortions in India and the UK.

SEE FURTHER:

Centre for Cultures of Reproduction, Technologies and Health (CORTH):

Web: <http://www.sussex.ac.uk/corth/>; Twitter: @CORTHSussex

M. Unnithan, S. Dubuc, “Re-visioning evidence: Reflections on the recent controversy around gender selective abortion in the UK”, *Global Public Health* (2017).

L. Oja, “Why is a ‘Good Abortion Law’ Not Enough? The Case of Estonia”, in: *Health and Human Rights Journal*, Vol. 19, No. 1 (2017).