



## INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

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### **Fight for Sexual and Reproductive Rights as Human Rights!**

On June 26, 2022, the United States Supreme Court, in *Dobbs v. Jackson Women’s Health Organization*, overturned its nearly 50-year old decision in *Roe v. Wade* and ruled that there is no constitutional right to abortion in the United States.

“For the first time in U.S. history, the Supreme Court has retracted a fundamental constitutional right” wrote IADL bureau member Marjorie Cohn in her Truthout column <https://truthout.org/articles/self-determination-has-been-wrenched-away-from-half-the-us-population/>.

Five reactionary right-wing judges, three of whom were nominated by Donald Trump, have imposed their religious convictions on half of the U.S. population, who will now be denied the right to autonomy over their bodies. Those judges include Samuel Alito, Clarence Thomas, Neil Gorsuch, Brett Kavanaugh and Amy Coney Barrett.

In their collective dissenting opinion, Stephen Breyer, Sonia Sotomayor and Elena Kagan noted, “the majority has wrenched this choice from women and given it to the States” and that “after today, young women will come of age with fewer rights than their mothers and grandmothers had” and includes the right to contraception and same-sex marriage.

The result of the high court’s ruling is that one-half of the U.S. states will ban or restrict abortion. It will force women and girls - particularly women of color and indigenous women - to travel to U.S. states where abortion remains legal or go to Canada. Some states have threatened to prosecute people who travel to other states to receive abortions. Many people use medicated abortions, but some states are threatening to criminalize those as well. People will continue to have abortions, but many will be compelled to have unsafe abortions.

The United Nations Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW Committee) issued a statement urging the United States to adhere to the Convention. Although the U.S. was instrumental in drafting and signing the Convention, it refuses to ratify CEDAW. Only seven states, including Iran, Palau, Somalia, Sudan, Tonga, the Holy See and the United States, are not parties to CEDAW.

IADL expresses its solidarity with all women, girls, and persons who can become pregnant, one out of four of whom undergo abortion. IADL fully supports article 12 of CEDAW, which enshrines the rights to health and the autonomy of women’s bodies and access to education and information. Unsafe abortion is a main cause of maternal mortality and morbidity in the United States, especially among women of color.

IADL supports the right to safe and legal abortions and endorses the statement by Michelle Bachelet, UN High Commissioner for Human Rights, that “access to reproductive rights is at the core of women and girls` autonomy, and ability to make their own choices about their bodies and lives, free of discrimination, violence and coercion.”

International human rights law protects access to abortion. Abortion rights in international law are thoroughly documented by UN mandate holders in their amici brief for the Dobbs` case, “*Brief of United Nations Mandate Holders As Amici Curiae In Support of Respondents.*” <https://reproductiverights.org/wp-content/uploads/2021/09/United-Nations-Mandate-Holders-Amicus-Brief.pdf> The right to access safe and legal abortion is protected under the International Covenant on Civil and Political Rights (ICCPR). The UN Human Rights Committee found in *KL v. Peru* and subsequent decisions that abortion rights flow from multiple sections of the ICCPR, including the article 17 right to privacy.

UN mandate holders emphasize that human rights treaties bodies and the United Nations Human Rights Council “have repeatedly recognized that protections for abortion access are necessary to fulfill the rights to equality and non-discrimination, life, privacy, health, and freedom from torture, cruel, inhuman and degrading treatment, as well as freedom from gender-based violence.”

IADL endorses the statement by UN mandate holders that “bans or near-bans on abortion access” [...] “would cause irreparable harm to women and girls in violation of the United States` obligations under the human rights treaties it has signed and ratified.”

#### References:

- *Roe v. Wade* <https://supreme.justia.com/cases/federal/us/410/113/#tab-opinion-1950137>
- *Dobbs v. Jackson Women`s Health Organization* [https://www.supremecourt.gov/opinions/21pdf/19-1392\\_6j37.pdf](https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf)
- CEDAW Committee media statement <https://www.ohchr.org/en/statements/2022/07/access-safe-and-legal-abortion-urgent-call-united-states-adhere-womens-rights>
- Marjorie Cohn, *Self-Determination Has Been Wrenched Away From Half the US Population* <https://truthout.org/articles/self-determination-has-been-wrenched-away-from-half-the-us-population/>
- *Democracy Now*, Amy Goodman interview with Michelle Goodwin and Kathryn Kolbert <https://www.ohchr.org/en/statements/2022/07/access-safe-and-legal-abortion-urgent-call-united-states-adhere-womens-rights>
- *Brief of United Nations Mandate Holders As Amici Curiae in Support of Respondents* <https://reproductiverights.org/wp-content/uploads/2021/09/United-Nations-Mandate-Holders-Amicus-Brief.pdf>