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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Stichting Global Human Rights Defence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2023]

* Issued as received, in the language of submission only.



Abortion Rights in the United States of America

With the United States of America's (US) Supreme Court's landmark decision in *Dobbs v. Jackson Women's Health Organization* (2022), which overruled *Roe v. Wade* (1973) (1) and *Planned Parenthood v. Casey* (1992) (2), the United States of America no longer has a constitutionally protected right to access abortion. The regulation of abortion services is therefore left to the individual State's discretion.

The United States of America's Supreme Court in *Roe v. Wade* (3) recognised women's autonomy and privacy in decisions regarding her pregnancy during the first two trimesters, with certain restrictions permissible in the third trimester to protect potential fetal viability. While the legality and interpretation of abortion rights varies across countries and legal systems, and court judgments can reflect the specific context and legal framework of a particular jurisdiction, the United States of America, with the recent overturning of *Roe v. Wade*, has been in violation of certain obligations they hold under international law, codified in a number of human rights treaties to which they are party or signatory.

Denying women access to safe and legal abortion services infringes upon their human rights, in particular, their basic rights to bodily autonomy and reproductive freedom. Women should have the right to make autonomous decisions about their own bodies and pregnancies. Restricting access to abortion services denies dignity and equality to persons who can get pregnant, as it denies them autonomy over their own bodies.(4) The restriction of abortion services further infringes upon freedom of thought, conscience, and religion or belief, and violate the principles of equality and non-discrimination.(5) It should be of particular concern that restrictions on legal methods of accessing abortions also lead to an increase in unsafe and clandestine procedures, which can endanger women's lives and their health.

The ruling in *Dobbs v. Jackson Women's Health Organization* has led to a deterioration in abortion rights in the United States of America in several ways.(6) Many individual states have since enacted laws aimed at restricting access to abortion services. Such restrictions include mandatory waiting periods, gestational age limits, ultrasound requirements, targeted regulation of abortion providers (TRAP) laws, and limitations on public funding for abortions.(7) Some states in the United States of America have pursued even more restrictive abortion legislation. These efforts include attempts to ban abortions at earlier stages of pregnancy, such as at six weeks, or after the detection of a fetal heartbeat.(8) There are also various states which have passed legislation designed to challenge or undermine existing abortion rights precedents. Ongoing debates and various other legal battles continue to shape the future of abortion rights in the United States of America. At present, women and girls who require reproductive healthcare are often met with refusals, stigma, fear of violence, and criminalization. Many are forced to remain pregnant against their will.

Stichting Global Human Rights Defence requests the United Nations Human Rights Council to examine the various human rights violations which are taking place with regards to abortion rights in the United States of America, and aid in the protection of women and the reproductive choices they have a right to make.

(1) *Dobbs v. Jackson Women's Health Organization* - <https://reproductiverights.org/case/scotus-mississippi-abortion-ban/>

(2) *Planned Parenthood of Southeastern Pennsylvania v. Casey* (1992) - [https://www.law.cornell.edu/wex/planned_parenthood_of_southeastern_pennsylvania_v_casey_\(1992\)](https://www.law.cornell.edu/wex/planned_parenthood_of_southeastern_pennsylvania_v_casey_(1992))

(3) *Dobbs v. Jackson Women's Health Organization*- <https://reproductiverights.org/case/scotus-mississippi-abortion-ban/>

(4) Human Rights Crisis: Abortion in the United States after *Dobbs*- <https://www.hrw.org/news/2023/04/18/human-rights-crisis-abortion-united-states-after-dobbs>

(5) Human Rights Crisis: Abortion in the United States after *Dobbs*- <https://www.hrw.org/news/2023/04/18/human-rights-crisis-abortion-united-states-after-dobbs>

(6) Global impacts of *Dobbs v. Jackson Women's Health Organization* and abortion regression in the United States- <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9673802/>

(7) Targeted Regulation of Abortion Provider (TRAP) Laws- <https://www.guttmacher.org/evidence-you-can-use/targeted-regulation-abortion-providers-trap-laws>

(8)Human Rights Crisis: Abortion in the United States after Dobbs-
<https://www.hrw.org/news/2023/04/18/human-rights-crisis-abortion-united-states-after-dobbs>
