

Congress of the United States
Washington, DC 20515

October 20, 2022

Mr. Richard C. Visek
Acting Legal Adviser
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear Mr. Visek:

We are deeply concerned by the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization*, which overturned *Roe v. Wade* and *Planned Parenthood v. Casey*. In the wake of this decision, we appreciate Secretary Blinken’s stated commitment to “helping provide access to reproductive health services and advancing reproductive rights around the world.”¹ We write to you today because we believe the *Dobbs* decision is not only harmful to individuals in the United States who seek safe, legal access to abortions, but it also impacts the U.S. commitment to international human rights and its legal obligations, in particular the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture (CAT), and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), which have all been ratified by the United States.

International human rights bodies have affirmed that access to abortion upholds key human rights, including the right to life, health, non-discrimination, information, and privacy. The International Covenant on Civil and Political Rights (ICCPR) contains important and relevant protections for access to abortion. In 2018, the UN Human Rights Committee, which oversees implementation of the ICCPR, made clear in General Comment 36 that the right to life, enshrined in Article 6 of the Covenant, includes the right to access safe and legal abortion without the imposition of restrictions which subject women and girls to physical or mental pain or suffering, discriminate against them, arbitrarily interfere with their privacy, or place them at risk of undertaking unsafe abortions.² The Committee noted that, under Article 6, State parties may not introduce new barriers to abortion and should remove existing barriers that deny effective access by women and girls to safe and legal abortion.³

Along with the ICCPR, the United States is bound by other treaties and covenants that provide important protections for access to abortion, such as the Convention Against Torture (CAT), ratified by the United States in 1994. The Committee Against Torture has found that restrictions on access to reproductive health services and abuses that occur when seeking these services may constitute violations of the CAT because they put an individual’s health and lives at risk, and may cause severe physical or mental pain and suffering.⁴ In 1994, the United States also ratified the International Convention on the Elimination of All Forms of Racial Discrimination (CERD),

¹ <https://www.state.gov/todays-supreme-court-decision/>

² https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf pg. 2

³ https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf pg. 2

⁴ <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WG/AmicusBrazil.pdf>

which ensures the right to health care free from racial discrimination. However, in its August 2022 report, the Committee on Elimination of Racial Discrimination expressed concern over the Supreme Court’s ruling in the context of its “consequent profound disparate impact on the sexual and reproductive health and rights of racial and ethnic minorities.”⁵ As the United States has ratified these treaties, we are bound to uphold them, and they have been interpreted to include safe access to abortion.

Other human rights treaties signed but not yet ratified by the United States—including the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of Discrimination Against Women, the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child, and the Convention on Persons with Disabilities—also provide important protections for access to abortion.

We have already seen the *Dobbs* ruling causing suffering amounting to human rights violations in the United States. Children’s right to health has been violated as shown by the experience of a ten-year old Ohio girl who was raped and forced to travel across state lines for proper care,⁶ as well as a 16-year-old Florida resident deemed too immature to be granted abortion access even with the approval of a guardian.⁷ Within one month, seven states—Alabama, Arkansas, Mississippi, Missouri, Oklahoma, South Dakota and Texas—went from having 38 abortion clinics among them to having none,⁸ creating disproportionate access to basic health care needs such as primary health care and preventative screenings for low-income women and women of color,⁹ and, therefore, contravening CERD obligations.

Lastly, regression on abortion rights in the United States threatens our standing as a global leader on human rights. With the *Dobbs* ruling, the U.S. joins Nicaragua, El Salvador, Ecuador, and Poland as the only countries who have reduced protections for reproductive rights after previously extending them. The perception of waning U.S. commitment to the protection of women’s rights and to international law more broadly would be especially harmful because the United States has historically championed women’s rights and reproductive rights.

For these reasons, we ask that your office clarify the United States’ commitment to promoting and protecting sexual and reproductive health and rights, including access to abortion. In particular, we ask that the State Department confirm U.S. support for and understanding of international human rights protections for abortion to the relevant UN bodies, including and especially the UN Human Rights Committee.

In addition, we request that you assess the laws pertaining to abortion access in each state within the United States, conduct a review of if and how these laws comply with international human rights and treaty obligations, and share those reviews with us.

⁵ https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/USA/CERD_C_USA_CO_10-12_49769_E.pdf pg. 9

⁶ <https://www.theguardian.com/us-news/2022/jul/03/ohio-indiana-abortion-rape-victim>

⁷ <https://www.politico.com/news/2022/08/16/parentless-teen-cant-have-an-abortion-under-state-parental-consent-law-00052211>

⁸ <https://www.npr.org/2022/07/28/1114369255/abortion-clinics-roe-v-wade-bans-guttmacher-institute>

⁹ <https://www.brookings.edu/blog/how-we-rise/2022/06/30/dobbs-another-frontline-for-health-equity/>

Finally, we ask that the Office of the Legal Adviser work with relevant agencies to inform U.S. states of the United States' obligations and commitments to protect access to abortion under international human rights law and the role of state and local governments in complying with such obligations.

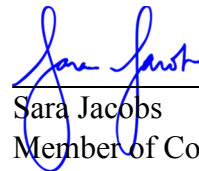
In the Biden administration's written statement to the UN Human Rights Council regarding the Universal Periodic Review for the United States, it wrote "[i]t is the policy of the U.S. to support women's and girls' sexual and reproductive health and rights in the U.S. as well as globally."¹⁰ We are deeply concerned that the recent decision rescinding access to abortion and its implementation contravenes this goal and our long-held international commitments to support reproductive rights for all people, and we hope you take action to affirm the support for reproductive health and rights expressed in the submission to the Universal Periodic Review.

Thank you for your attention to this important issue.

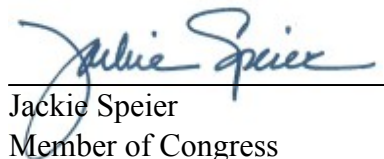
Sincerely,



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Member of Congress



Sara Jacobs
Member of Congress



Jackie Speier
Member of Congress



Veronica Escobar
Member of Congress



Nikema Williams
Member of Congress



Lois Frankel
Member of Congress

¹⁰https://lib.ohchr.org/HRBodies/UPR/Documents/Session36/US/A_HRC_46_15_Add.1_AV_United_States_of_America_E.docx



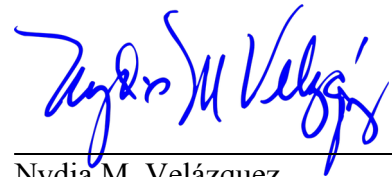
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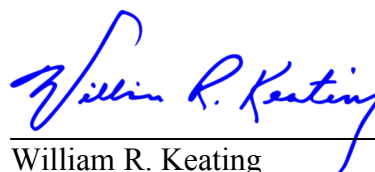
Mike Quigley
Member of Congress



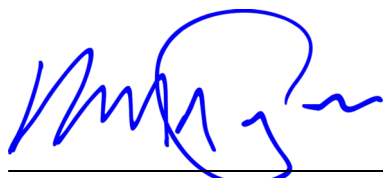
Ritchie Torres
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Ann McLane Kuster
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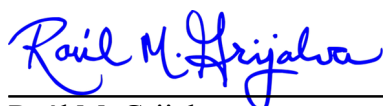
Julia Brownley
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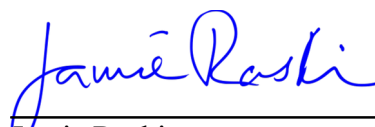
Alexandria Ocasio-Cortez
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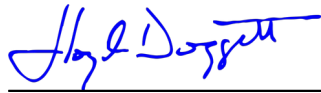
Jamie Raskin
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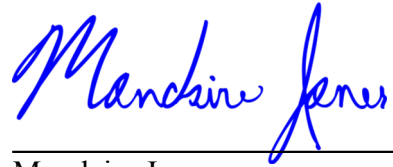
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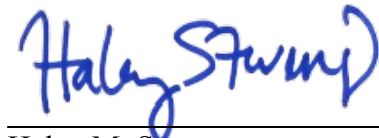
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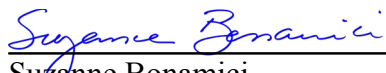
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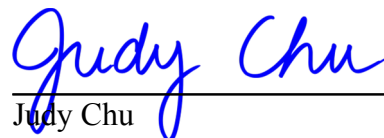
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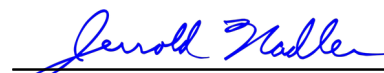
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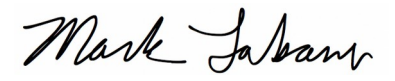
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