

How the *Dobbs* Ruling Put the United States in Violation of the International Covenant of Civil and Political Rights

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STATE INNOVATION EXCHANGE



**OBSTETRICIANS FOR
REPRODUCTIVE JUSTICE**

The June 2022 Supreme Court decision *Dobbs v. Jackson Women’s Health Organization* eliminated federal constitutional protection for access to abortion in the United States. Following *Dobbs*, more than a dozen states fully banned abortion, and many others passed or proposed increased restrictions. On October 17-18, 2023, the [Human Rights Committee](#) will review US compliance with the International Covenant on Civil and Political Rights (ICCPR), including the impact of *Dobbs* on its human rights obligations.

ICCPR-Protected Human Rights Violated by *Dobbs* Ruling

Rights to life and to be free from torture or other cruel, inhuman, or degrading treatment

→ Violated by the denial and criminalization of necessary medical care

Rights to privacy and free speech

→ Violated as law enforcement investigates pregnancy outcomes, reproductive autonomy is curtailed, and providers are censured for providing accurate healthcare information

Right to be free from all forms of discrimination

→ Violated by the discriminatory purpose and effects of abortion bans

Denial of Abortion Care Threatens Lives and Devastates Healthcare Systems

Restrictions on abortion target abortion providers (and sometimes patients themselves) with criminal penalties. Threats of prosecution have led to deterioration of access to medical care, creating “maternal care deserts” where neither abortion nor adequate maternity care are available.

Although most bans purport to make exceptions to save the life of the pregnant person (and some also include exceptions for rape or incest), many pregnant people have been denied care for life- or health-threatening conditions due to the uncertainty and high penalties associated with criminalizing healthcare. These denials have led to permanent and severe mental and physical harm to patients. Doctors report that they are afraid to provide care, even for cases covered by exceptions, under these circumstances, leading providers to leave states with bans. As a result, even patients who would clearly qualify for an exception are left without care.

The Discriminatory Intent and Effect of Abortion Bans

Those already marginalized by racial, socioeconomic, disability, and age discrimination are impacted most by these policies. People of color in the US are both more likely to need abortion care, due to racialized lack of access to healthcare, and to live in places where abortion is banned. The costs of travel for abortion care also fall hardest on these communities. Youth are subjected to additional hurdles to access abortion care, including coerced parental involvement or judicial scrutiny. These groups face forced parenthood as a result.

Overall, the criminalization of healthcare needed only by people capable of pregnancy, primarily women, is discriminatory and grounded in harmful stereotypes about the roles that women can or should play in society. The effects of such restrictions, including increased mortality and enforced socioeconomic marginalization resulting from forced parenthood, are also discriminatory.



Recommendations to Bring the US into Compliance with ICCPR

- Guarantee effective access to affordable, legal, and quality abortion care.
- Protect women, girls, and people who can become pregnant from criminalization related to pregnancy and pregnancy outcomes– including abortion, stillbirth, or miscarriage.
- Ensure equitable federal access to medication abortion to all people on request.
- Repeal laws requiring young people to seek parental consent for abortion care.
- Address racial and ethnic origin discrimination in healthcare and health outcomes, including affirmative steps to ensure access to abortion and life-saving obstetric care.
- Protect the privacy of persons who can become pregnant and medical professionals by limiting data collection, retention, and disclosure.
- Protect medical professionals who provide abortion and other reproductive healthcare by prohibiting their prosecution, disbarment, loss of license, or other retribution or reprimanding measures.