

CIVIL SOCIETY STATEMENT OF SOLIDARITY WITH UN SPECIAL PROCEDURES MANDATE HOLDERS

September 2020

We write to express serious concern with the United States' response to the [recent communication regarding abortion access in the United States in the context of COVID-19](#), issued by the UN working group on discrimination against women and girls, the special rapporteur on violence against women, and the special rapporteur on right to health. We stand in solidarity with the UN special procedures mandate holders as they seek to hold the United States accountable for its international human rights obligations in a global context of backlash against them and their work as independent experts.

Dismissing the UN experts' concerns as "bizarre" and "spurious" and disavowing that international human rights law protects access to abortion, the United States' response represents the latest in a systematic attempt to discredit the UN human rights system, and the special procedures mandate holders in particular. The UN experts, who serve in an independent and voluntary capacity, should not be criticized or defamed for simply doing their jobs, neither should their mandates be called into question for addressing issues that are relevant to them.

The U.S. response is a clear attempt to stifle the independence of the mandate holders as they seek to ensure government accountability for human rights. The special procedures of the Human Rights Council are one of the most accessible mechanisms available to human rights defenders to hold governments accountable. We therefore see any attempt at weakening them as a threat to their work and to the work of civil society organizations.

Indeed, we commend the special procedures mandate holders for shining a light on violations perpetrated against people seeking abortion access in the United States. We applaud the mandate holders' expression of concern over efforts to manipulate the COVID-19 crisis to restrict access to abortion in several U.S. states, and their statement that human rights protect access to abortion. The experts take particular note of the "long history of restrictive practices against abortion" by U.S. states and recognize that recent efforts to manipulate the COVID crisis are just the latest in "a pattern of restrictions and retrogressions" in the United States which exacerbate systemic inequalities and cause irreversible harms, particularly to low-income people, people of color, immigrants, people with disabilities, and LGBTQI people.

The experts make clear that restrictions on abortion access (including requirements for multiple visits to abortion providers, excessive limits on medication abortion, and prohibitions on the use of telemedicine) undermine human rights, contrary to international human rights standards and the United States' human rights obligations, including those the United States committed to when it ratified the International Covenant on Civil and Political Rights (ICCPR). The United States' attempts to discredit the experts and disavow any human rights protections for access to abortion care cannot unilaterally rewrite international human rights law. Though the Trump administration seeks to dismiss them, the range of international human rights treaties reflects international consensus regarding the scope of human rights that all governments must protect, respect and fulfill.

For decades, there has been clear and unequivocal consensus by UN human rights treaty bodies and independent experts that reproductive rights are human rights, grounded in the Universal Declaration of Human Rights and the core human rights treaties. These universal principles are understood to apply to the specific experiences of people in connection with their reproductive lives. Reproductive rights are essential to the realization of fundamental human rights – including the rights to health, life, equality, information, education, privacy, freedom from discrimination and violence, and freedom from torture and cruel, inhuman and degrading treatment.

For example, in General Comment No. 36 on the right to life, the Human Rights Committee reaffirmed that States have a duty to ensure that women and girls do not have to undertake unsafe abortions as part of preventing

foreseeable threats to the right to life. The Committee noted that Article 6 of the ICCPR (right to life) prohibits abortion restrictions which subject women and girls to physical or mental pain or suffering, discriminate against them, and arbitrarily interfere with their privacy.ⁱ The General Comment also clarified that States should remove existing barriers to effective access by women and girls to safe and legal abortion, should not introduce new barriers, and should “prevent the stigmatization of women and girls seeking abortion.”ⁱⁱ

The United States’ response to the mandate holders ignores this consensus through a brazen and dangerous discrediting of UN special procedures and binding human rights treaties and their mandate to codify human rights under widely recognized rules of international law.

Rather than undermining the credibility of the UN human rights system and attempting to erase the well-established framework of rights protections, we call on the United States to support the work of UN human rights experts and fully commit to the advancement and protection of the full scope of human rights for all.

Signed:

Center for Reproductive Rights
Abortion Care Network
American Civil Liberties Union (ACLU)
American Jewish World Service
Ancient Song Doula Services
Asociación Civil Mujeres en Línea
Catholics for Choice
Center for Biological Diversity
Center for Legal and Social Studies (CELS)
CHANGE (Center for Health and Gender Equity)
Coalition for Sexual and Bodily Rights in Muslim Societies (AWID)
Columbia University Global Health Justice and Governance
Continental Network of Indigenous Women of the Americas, North America Region
Danish Family Planning Association
DSW (Deutsche Stiftung Weltbevölkerung)
Elephant Circle
Federation for Women and Family Planning
Feminist Women's Health Center
Global Human Rights Clinic at the University of Chicago Law School
Global Justice Center
Gutmacher Institute
Hawai'i Institute for Human Rights
HIV Legal Network (Canada)
Human Rights Watch
International Action Network for Gender Equity & Law
International Campaign for Women's Right to Safe Abortion
International Planned Parenthood Federation (IPPF)
International Planned Parenthood Western Hemisphere
International Women's Health Coalition
International Women's Rights Action Watch Asia Pacific
Ipas

Irish Council for Civil Liberties
MSI United States
NARAL Pro-Choice America
National Birth Equity Collaborative
Planned Parenthood Federation of America
Planned Parenthood of Greater New York
Project Blueprint
SEXUAL HEALTH SWITZERLAND
SisterSong Women of Color Reproductive Justice Collective
Soulforce
Women's Law Project
Telangana Hijra Intersex Transgender Samiti
Texas Equal Access Fund
Urgent Action Fund for Women's Human Rights
Women's Global Network for Reproductive Rights (WGNRR)
Woodhull Freedom Foundation
YouAct - European Youth Network on Sexual and Reproductive Rights

ⁱ Human Rights Committee, *Gen. Comment 36 on the Right to Life*, para. 8, U.N. Doc. CCPR/C/GC/36 (Oct. 31, 2018).

ⁱⁱ *Id.*

ⁱⁱ *Id.*