

Reproductive Rights are Human Rights

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Reproductive rights activists in the United States underutilize the global human rights framework. This is largely because many are unfamiliar with the Universal Declaration of Human Rights (UDHR) and international treaties that protect women's reproductive rights. Reproductive justice advocates should become familiar with the human rights obligations of the U.S. government.

Eight Categories of Human Rights: Civil, Political, Economic, Social, Cultural, Environmental, Developmental and Sexual.

Reproductive Health as a Basic Human Right

Women have a basic human right to control their own fertility and have self-determination over their own bodies. Through a human rights lens, these rights go far beyond a limited focus on abortion to include the right to have and not to have children, basic health care, and treatments for reproductive tract infections, sexually transmitted diseases, and infertility. Women have the right to challenge disabling conditions like poverty, environmental pollution, government policies, and corporate practices that violate their human rights. This holistic approach also recognizes the need to oppose race- and class-based population control strategies, and other human rights violations. With this in mind, an honest assessment of international treaties and agreements affecting the lives of women is essential in creating an effective response to the current assault on reproductive rights and sexuality education.

The Universal Declaration of Human Rights (UDHR)

On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights (UDHR), which was signed by the United States. The UDHR guarantees the human rights of all people and encompasses a broad spectrum of economic, social, cultural, political and civil rights. Articles 3, 4, 12, and 25 are important because they touch on major reproductive rights concerns of all women, particularly women of color. Despite the unfortunately sexist language used in 1948, women's reproductive rights are protected in the following articles:

1. The Right to Life, Liberty and Security of Person

Article 3: Everyone has the right to life, liberty and security of person.

Article 3 is perhaps the most comprehensive. Security of a woman's person cannot be guaranteed if a woman is not free, empowered, and enabled to make her own decisions about her reproductive health and sexual rights. This holistic approach considers not only the immediate aspects of reproductive health and rights, such as sterilization, abortion, contraception, sexually transmitted diseases, and reproductive tract infections, but also surrounding issues such as family and community violence, substance abuse, HIV and AIDS, health issues of women in prison, welfare reform, homophobia, access to quality education, and links with women internationally.

2. No One Shall be Held in Slavery or Servitude

Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 4 speaks directly to decisions about abortion and contraception. Reproductive rights activists have always defined forced pregnancies as a form of slavery and servitude in which parties other than the woman concerned decide the outcome of a pregnancy, forcing the woman to become a human vessel for a fetus. Involuntarily subordinating one human being to another human being's need is one of the essential definitions of slavery. While our society would never force a man to donate an organ to a child, we believe that it is acceptable to force a woman to give herself over to protection of a fetus. It is not only discriminatory, but it violates the fundamental human right to be free of involuntary slavery.

3. Self Determination

Article 12: No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 12 reinforces the concept of self-determination. Government regulations and laws that prohibit a woman from accessing reproductive health care and sexuality education, whether in the form of anti-abortion legislation, welfare reform, or other restrictions arbitrarily violate a woman's right to privacy and interferes with her family.

4. The Right to an Adequate Standard of Living

Article 25: (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 25 explicitly states the enabling conditions and supports a woman needs to exercise her reproductive options in the most optimal conditions possible. A woman must have her basic human needs met, including access to health care and sexuality education, in order for her human rights to be protected. The article is inherently anti-essentialist: we all have the same human rights but we each need different things to protect them. It specifies that women and children are entitled to special care and assistance.

Treaty Ratification = Federal Law

However, the UDHR is not binding law; it is an agreement or recognition that nation states interpret however they see fit. Because of this, member states in the United Nations spent years turning promises of the UDHR into treaties that are legally binding upon the signatory countries. The following treaties are of particular interest to the reproductive rights and sexuality education struggle in the United States, both of which the U.S. government has ratified. When a treaty is ratified, it's the same as Congress passing a federal law. They are the Genocide Treaty and the Race Treaty.

Genocide Treaty

Jewish lawyer Rafael Lemkin coined the term genocide in 1943 in response to the systematic murder of Jews, Roma and other victims the Nazi government during World War II. Recognizing that the world lacked international laws and standards that would prohibit a government's aggression against its own people, the United Nations developed the Convention on the Prevention and Punishment of the Crime of Genocide, which states in part:

Article 2: Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) *Imposing measures intended to prevent births within the group*, and (e) forcibly transferring children of the group to another group.

An example of reproductive rights violation of the Genocide treaty is the current U.S. government's lack of funding for reproductive health services for poor women. Under pressure by both the religious right and white nationalists, the United States refuses to fund abortion services for poor women while ensuring that funding is amply available for permanent sterilization services for the same population of women. Because of structural racism and institutionalized poverty, women of color are often directly affected by these policies. Forced removal of Indigenous children is also an act of genocide.

Race Treaty

In the context of institutional bigotry, it is also important to note that the United States may also be in violation of what is more commonly referred to as the Race Treaty. The Race Treaty, or the Convention on the Elimination of All Forms of Racial Discrimination (CERD) states:

Article 4(c): *States shall not permit public authorities or public institutions, national or local to promote or incite racial discrimination.*

Article 5(b): *[Everyone shall enjoy] The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution.*

What Treaties Have the U.S. Failed to Ratify?

Presently there is an important set of treaties the United States has failed to ratify which include the Convention on the Elimination of All Forms of Discrimination Against Women (better known as the Women's Human Rights Treaty or CEDAW), and the Convention on Violence Against Women. Since the United States has not ratified either of these



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treaties, an important goal of the U.S. reproductive justice movement should be to pressure Congress to ratify these treaties, bringing the United States into compliance with the rest of the industrialized world.

The Future of Human Rights

U.S. reproductive rights activists must expand their vision beyond individualized arguments for privacy and choices inferred from the Constitution and embrace the more comprehensive and universal human rights framework.

Recognizing the moral and political value of human rights provides a pro-active strategy for advancing reproductive justice as well as a broader defensive response to the attacks on reproductive health and sexuality education by white nationalists, the religious right, and conservatives.

The international human rights framework gives those responding on the frontlines to the current white nationalists' culture war the power of making global connections and the power of building a united human rights movement that uses a shared framework which builds a society for undivided justice. Advocates for reproductive justice can broaden our base of allies and make connections with a variety of movements that work on economic justice, racial discrimination, environmental justice, immigrant rights, lgbt issues, youth, and a range of issues that also work to the protect the human rights of their constituents.

The United States must be held accountable when violating international law at home or abroad. This can be done more effectively when U.S. human rights activists become human rights educators to help people learn more about their rights. This is why SisterSong advocates using the Reproductive Justice framework, a human rights-based approach that marries reproductive rights to social justice.