

.....
(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. CON. RES. _____

Clarifying the obligations of the United States under international human rights treaties relating to reproductive freedom.

IN THE HOUSE OF REPRESENTATIVES

Ms. WILLIAMS of Georgia submitted the following concurrent resolution; which was referred to the Committee on _____

CONCURRENT RESOLUTION

Clarifying the obligations of the United States under international human rights treaties relating to reproductive freedom.

Whereas on June 24, 2022, the United States Supreme Court in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022) overturned *Roe v. Wade*, 410 U.S. 113 (1973) and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992) and eliminated the Federal constitutional right to abortion in the United States;

Whereas, subsequently, more than a dozen States have passed legal barriers that fully ban abortion, and many others have passed legal barriers that severely restrict abortion;

Whereas the retrogression on abortion rights in the United States conflicts with United States obligations under international human rights law;

Whereas treaties ratified by the United States are binding on individual States and are the “supreme Law of the Land” under clause 2 of Article VI of the United States Constitution;

Whereas the United States has ratified, and is bound by, the International Covenant on Civil and Political Rights, done at New York December 16, 1966, the International Convention on the Elimination of All Forms of Racial Discrimination, done at New York December 21, 1965, and the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, done at New York December 10, 1984;

Whereas the United States has signed several other treaties and must refrain from defeating their objective and purpose, including the International Covenant on Economic, Social, and Cultural Rights, done at New York December 16, 1966, the Convention on the Elimination of All Forms of Discrimination against Women, done at New York December 18, 1979, the Convention on the Rights of the Child, done at New York November 20, 1989, and the Convention on the Rights of Persons with Disabilities, done at New York December 12, 2006;

Whereas United Nations treaty-monitoring bodies and the Special Procedures of the Human Rights Council of the United Nations have repeatedly expressed concerns about restricted access to abortion, which can give rise to violations of the rights to life, health, privacy, equality, non-discrimination, and freedom from torture and ill-treatment, among others;

Whereas the United States has previously joined the international community in identifying reproductive rights as human rights, including during the 1995 Beijing World Conference on Women;

Whereas the United Nations Human Rights Committee has repeatedly found that abortion bans violate multiple human rights, and the United States Government is bound to protect such rights under the International Covenant on Civil and Political Rights, including the rights to life, freedom from torture, cruel, inhuman, or degrading treatment or punishment, privacy, and equal protection (under articles 6, 7, 17, and 26 of such Covenant);

Whereas the United Nations Human Rights Committee's General Comment 36 on article 6 of the International Covenant on Civil and Political Rights, which was adopted on October 30, 2018, asserted that States parties to the covenant should—

(1) ensure access to “quality and evidence-based information and education about sexual and reproductive health and to a wide range of affordable contraceptive methods”;

(2) provide “safe, legal, and effective access to abortion where the life and health of the pregnant woman or girl is at risk, or where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where pregnancy is the result of rape or incest or where the pregnancy is not viable”;

(3) guarantee “the availability of, and effective access to, quality prenatal and post-abortion health care for women and girls”;

(4) not impose restrictions on the ability of women or girls to seek abortion that “jeopardize their lives, sub-

ject them to physical or mental pain or suffering that violates article 7 of the [International Covenant on Civil and Political Rights], discriminate against them or arbitrarily interfere with their privacy”;

(5) not apply “criminal sanctions to women and girls who undergo abortion or to medical service providers who assist them in doing so”;

(6) “remove existing barriers to effective access by women and girls to safe and legal abortion”; and

(7) “not introduce new barriers”;

Whereas escalating restrictions on abortion access in the United States conflict with public health guidance;

Whereas the abortion care guideline, published by the World Health Organization in 2022, recommends the full decriminalization of abortion, the removal of grounds-based restrictions on abortion, and the removal of gestational age-limits on the provision of abortion care;

Whereas access to the full range of sexual and reproductive health care, including abortion, is essential to the health and well-being of all people;

Whereas reproductive and sexual health care providers administer high-quality, essential health care, and play a critical role in ensuring people are able to make decisions about their bodies and lives with dignity;

Whereas no one should be criminalized for any pregnancy outcome;

Whereas no one should be criminalized for providing essential health care;

Whereas punishing people for their pregnancy outcomes and the circumstances of their pregnancies or for providing

essential reproductive and sexual health care violates their human rights;

Whereas the threat of criminalization or prosecution can intimidate people from seeking or providing care;

Whereas Indigenous people, Black people, people of color, people with low incomes, people living in rural areas, people with disabilities, immigrants, LGBTQ+ individuals, and other marginalized individuals are disproportionately likely to be surveilled, arrested, charged, prosecuted, convicted, and heavily punished within the United States criminal justice system and, due to systemic discrimination, to experience additional scrutiny from the United States legal system;

Whereas the *Dobbs v. Jackson Women's Health Organization* decision has further decimated abortion access in the United States;

Whereas pregnant people who have been denied abortion care suffer many adverse consequences, including putting their health, fertility, and lives at risk, being forced to carry nonviable pregnancies to term, and being criminalized for miscarriage, the circumstances of their pregnancies, abortions, and other pregnancy outcomes;

Whereas, from 2006 to 2022, almost 1,400 people were arrested in the United States in relation to the circumstances or outcomes of their pregnancy, including pregnancy loss, and prosecutions overwhelmingly targeted people with low incomes;

Whereas, from 2000 to 2020, in the United States, at least 61 people were criminally investigated or arrested for ending their own pregnancies or helping someone else do so and prosecutions disproportionately targeted poor and

minority communities, reflecting stereotypes about gender, race, and other identities;

Whereas the United States has been reviewed by two treaty-monitoring bodies since the *Dobbs v. Jackson Women's Health Organization* decision;

Whereas, on August 11 and 12, 2022, the United Nations Committee on the Elimination of Racial Discrimination reviewed the United States' implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and on September 21, 2022, issued an observation that recommends the United States—

(1) take all measures necessary, at the Federal and State levels—

(A) “to address the profound disparate impact of the Supreme Court’s ruling in *Dobbs v. Jackson Women’s Health Organization* on women of racial and ethnic minorities, Indigenous women and those with low incomes”; and

(B) “to provide safe, legal, and effective access to abortion in accordance with the [United States’] international human rights obligations”;

(2) “take all measures necessary to mitigate the risks faced by women seeking an abortion and by health providers assisting them, and to ensure that they are not subjected to criminal penalties”; and

(3) review the World Health Organization’s abortion care guideline;

Whereas the United Nations Human Rights Committee reviewed the United States’ implementation of the International Covenant on Civil and Political Rights on October 17 and 18, 2023, and issued concluding observations

and recommendations to the United States Government on December 7, 2023;

Whereas the United Nations Human Rights Committee’s concluding observations express deep concern over “the criminalization of various actors in connection with their role in providing or seeking abortion care, including health care providers, persons who assist women to procure an abortion, notably family members, and pregnant women seeking an abortion. . . restrictions on interstate travel, bans on medication abortion, and the surveillance of women seeking abortion care through the use of their digital data for prosecution purposes”;

Whereas the United Nations Human Rights Committee further recommends that the United States Government work to ensure that women and girls do not have to resort to unsafe abortions, which may endanger their lives and health, by taking all measures necessary at the Federal, State, local, and territorial levels, including—

(1) by providing legal, effective, safe and confidential access to abortion care for women and girls throughout its territory, without discrimination, free of violence and coercion, including through the adoption of legislative initiatives;

(2) by putting an end to the criminalization of abortion care by repealing laws that criminalize abortion, including laws that apply criminal sanctions to women and girls who undergo abortion, to health service providers who assist women and girls to undergo abortion, and to persons who assist women and girls to procure an abortion;

(3) by harmonizing its legal and policy framework for abortion care with the World Health Organization’s abortion care guideline;

(4) by ensuring that medical staff and patient confidentiality are observed, including by strengthening privacy protections under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) (commonly known as “HIPAA”), and by protecting women seeking abortion care from surveillance of their personal digital data for prosecution purposes;

(5) by removing existing barriers impeding access to abortion care, including interstate travel restrictions, and by refraining from introducing new barriers; and

(6) by continuing its efforts to guarantee and expand access to medication abortion;

Whereas the United Nations Human Rights Committee’s concluding observations call for specific action on the issue of abortion and, in accordance with rule 75 (1) of the procedural rules of the United Nations Human Rights Committee, request that the United States Government provide, not later than November 3, 2026, information on the implementation of the recommendations made by the Committee on 3 key issues: voting rights, freedom of assembly, and the reproductive rights addressed in paragraph 29 of the United Nations Human Rights Committee’s concluding observations (namely, maternal mortality, voluntary termination of pregnancy, and sexual and reproductive rights);

Whereas the City of Alexandria passed a resolution to increase access to abortion on June 28, 2022, one year after the *Dobbs* decision, and the city council held a status update meeting to address areas for improvement on

June 25, 2025, the two-year anniversary of *Dobbs*, and will address unmet needs proactively next work session in the city budget;

Whereas Louisiana House Bills 56, 63, 164, and 293 were introduced in February 2024, and committee testimony regarding the bills illustrate the human rights concerns and obligations that necessitate the passage of these bills;

Whereas Mt. Rainier, Maryland, issued a Mayoral Proclamation declaring June 24, 2024, as “Reproductive Rights are Human Rights Day”, a first of its kind effort on a local level to protect reproductive freedom under international human rights law;

Whereas Montgomery County, Maryland, passed a resolution to address the *Dobbs* decision in 2022 and will introduce a new resolution this summer to increase access to abortion in the county and to explicitly condemn the criminalization of anyone for a pregnancy outcome or the criminalization of anyone for a circumstance surrounding their pregnancy;

Whereas the City Council of Austin, Texas, has invested over \$400,000 in support for abortion access to help low-income people overcome the myriad barriers they face seeking abortion care, and this summer will consider a resolution declaring abortion as a human right, acknowledging the duties of the Texas government at the local and State levels to uphold its human rights obligations under the International Covenant on Civil and Political Rights, and explicitly condemning the criminalization of anyone for a pregnancy outcome or the criminalization of anyone for a circumstance surrounding their pregnancy;

Whereas Louisiana House Bills 56, 63, 164, and 293, the City of Mt. Rainier Proclamation making June 24, 2024, Reproductive Rights are Human Rights Day, and the future resolutions planned for Austin, Texas, Alexandria, Virginia, and Montgomery County, Maryland, are rooted in human rights and are good faith attempts to address, at the State and local levels, the recommendations made by the United Nations Human Rights Committee in paragraph 29 of the Committee’s concluding observations on maternal mortality, voluntary termination of pregnancy, and sexual and reproductive rights; and

Whereas Louisiana House Bills 56, 63, 164, and 293, the City of Mt. Rainier Proclamation making June 24th Reproductive Rights are Human Rights Day, and the future resolutions planned for Austin, Texas, Alexandria, Virginia, and Montgomery County, Maryland, align the United States with its human rights obligations under the International Covenant on Civil and Political Rights, in accordance with Article VI, clause 2 of the United States Constitution: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That Congress—*

3 (1) affirms that treaties ratified by the United
4 States are binding on individual States and are the
5 “supreme Law of the Land” under clause 2 of Arti-
6 cle VI of the United States Constitution;

7 (2) condemns the criminalization of abortion
8 and the criminalization of any circumstances or out-
9 comes of a person’s pregnancy in the United States;

1 (3) affirms that all people deserve access to
2 high-quality health care without fear of punishment;

3 (4) affirms that reproductive rights are human
4 rights;

5 (5) urges the governments of States that im-
6 pose restrictions harmful to pregnant people to re-
7 peal those restrictions;

8 (6) urges the government of States—

9 (A) to repeal State laws that criminalize
10 abortion;

11 (B) to prohibit the prosecution of people
12 for having abortions or for any other cir-
13 cumstances or outcomes of their pregnancies;
14 and

15 (C) to protect and guarantee human
16 rights; and

17 (7) affirms that State governments have an ob-
18 ligation to implement human rights.