

Universal Reproductive Rights and Women's Empowerment

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ABSTRACT

This paper aims to provide a brief summary of contemporary human rights and make the case that the right to abortion and the right to contraception gaining binding statuses under international human rights law are crucial to the progression of gender equality and women's empowerment. Human rights have greatly progressed on the international level since the establishment of the United Nations (UN) in 1945. However, progress varies not only among the world's countries, but also among the world's human groupings, specifically men versus women. A significant obstacle that is preventing women's empowerment from achieving its greatest capability is the lack of adequate access to reproductive rights worldwide. Reproductive rights—including the right to abortion and contraception—is the most controversial branch of women's rights and human rights in general due to the cultural clash of beliefs, and the fact that most cultures view the topic as taboo. This has led to the restriction, and in some countries, the complete prohibition of abortion and contraception, endangering the rights of women by limiting their ability to maintain reproductive autonomy. This paper argues within the framework of the existing binding human rights laws, drawing upon the criteria of UN laws and entities to justify the inclusion of universal reproductive rights within that framework.

Introduction

Imagine you wake up one morning to find something precious of yours taken away. Think of the sadness, frustration, and *anger* you feel. This is how I felt when I woke up two years ago to find that the US Supreme Court had overturned *Roe v. Wade* and left the status of abortion up to the states. I had the overwhelming sensation that the justices had somehow *betrayed* me. Abortion is not just a procedure. It is a legal right that allows women a choice, a choice involving not just their reproductive organs, but their entire future. Abortion allows a college student to continue their education and get a degree. Abortion allows a mother to limit the amount of children in her family to ensure the best standard of living for all. Abortion allows a raped teenager to remove a reminder of the horrific experience. The right to abortion is something that millions of women in the United States, and hundreds of millions of women in the world, cherish. *Dobbs v. Jackson Women's Health Organization* did not just remove the federal protection over abortion, though. It also brought up fears regarding the potential overturn of legal precedents that protect the right to contraception, precedents including *Griswold v. Connecticut*. It has also created a regressive ripple effect around the world. In the same way that *Roe* was used by politicians abroad to liberalize abortion in their own countries, *Dobbs* has now been “cited in multiple other regressive laws, including Uganda's anti-LGBTQIA law, in Nigeria's bid to roll back the Safe Abortion Act in Lagos state, and in Kenya's refusal to push forward with the more liberal abortion law” (Ferguson).

Former US President John F. Kennedy observed that “the rights of every man are diminished when the rights of one man are threatened.” The fact that it is not just the rights of “one man” that are threatened, but half the entire population only serves to emphasize the danger *Dobbs* poses to societal progress. Reproductive rights, such as the right to abortion and contraception, are crucial for empowering women. This can help reduce the gender gap that almost always privileges men over women; an example of this privilege can even be found in the first sentence of this

paragraph! While President JFK most likely had women in mind when he stated “the rights of every man,” he, like the US’ founding documents, failed to explicitly state “woman,” or even use the applicable-to-all term “humans.” Rather, he—and numerous others—grouped all humans under the term “man,” denying recognition to women. President JFK’s words illustrate the disparity between men and women that empowerment and the universal access to reproductive rights attempts to solve.

To upend patriarchal norms and achieve gender equality, society must first target methods to empower women. Protecting reproductive rights on the international level is a crucial way to do so, as the current status of reproductive rights is the obstacle that is preventing women from having equal and universal access to life, health, and privacy. Protecting each and every woman’s right to bodily autonomy on the international scale is only achievable if governments are legally obligated to make every effort to ensure reproductive rights are being observed in their country. Therefore, to empower women and make societal progress towards achieving gender equality, reproductive rights *must* be made binding under international human rights law.

Reproductive Rights in The History of Human Rights

“Human rights,” understood as basic rights and freedoms that belong to every human being, is a relatively new concept, especially when applied on an international scale. In fact, progress in universal human rights only took effect with the creation of the United Nations (UN)—a supranational organization consisting of sovereign states united by the collective determination to maintain universal peace and strive for collective human rights around the world—in 1945, post-WWII. Before then, human rights generally existed on the national level, with each country recognizing and enforcing it to varying degrees. When historians think back to the turning point(s) that led to the contemporary interpretation of human rights, most turn to 18th-century revolutions, such as the American Revolution (1775–1783) and French Revolution (1789–1799). These revolutions invoked human rights as justification for rebellion against established authority, and established them as the foundation for new social order by writing them into law. Such documents were eventually shaped to form the basis of the Universal Declaration of Human Rights (UDHR), an international document created by the UN General Assembly in 1948 to outline the rights and freedoms all human beings possess (United Nations General Assembly). While the document itself is not legally binding, it has led to the creation of several binding instruments such as the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social, and Cultural Rights (ICESCR), and is heavily endorsed even as a non-binding document: as stated by Jack Donnelly in *Universal Human Rights in Theory and Practice*, the UDHR was endorsed by Western states “with considerable enthusiasm...largely on the basis of what those states had become over the preceding several decades” (Donnelly 91). In other words, one of the main reasons why Western states were keen on supporting the international document was because its claims originated from the foundational documents of the Western states themselves.

For instance, the US’ founding documents are based on rights that were emphasized by the core of the American Revolution, including the unalienable right to liberty, which is listed in both the Declaration of Independence and Preamble to the US Constitution, and further found in Article 3 of the UDHR. As another example, the Declaration of the Rights of Man and of the Citizen that emerged as a result of the French Revolution states that “Men are born and remain free and equal in rights” in Article 1 and defines liberty in Article 4, two things that are also emphasized in the UDHR (“Declaration”). However, a crucial difference is that the UN document manages to embody the contemporary views on human rights from such documents while adjusting the wording to be all-inclusive. The UDHR takes the listed rights and applies them to more than just White men, but also to women and other races, applying the “universal” to “universal human rights.” Unlike in ancient civilizations, these rights are not earned as a privilege, nor can they be taken away. They are not governed by religious law. They are fundamental rights that everyone—no matter the social status, race, gender, or location—should have access to from birth.

“Universal human rights” encompasses numerous rights that are categorized by the UN. One such category is “reproductive rights,” which is associated with reproductive health and autonomy, and covers rights such as those

to abortion and contraception. Abortion can be defined as a medical procedure to terminate a human pregnancy. It is typically performed before the third trimester (anytime from conception to the 28th week of pregnancy), before the quickening, or before viability. To clarify these terms, the *Avenue Women's Center* defines quickening as the first sign of movement from the developing fetus within the womb, and viability as the ability of a fetus to survive outside the womb should it be born at that exact moment (Kuenzi). Meanwhile, contraception, also known as birth control, can be defined as “the use of medicines, devices, or surgery to prevent pregnancy” (“Birth Control”). The various types of contraception can be used by either women or men.

Reproductive rights began to emerge in the 20th century, first regarding birth control and sterilization around the mid-1900s, and later regarding abortion in the late 1960s. Campaigns against anti-abortion and -contraception laws by women's rights activists, family planning organizations, and physicians in the past couple decades have resulted in a global trend towards the liberalization of abortion and contraception laws. However, these trends continue to provoke heated debate, making reproductive rights—especially the right to abortion—the most controversial branch of women's rights and human rights. There are arguments supporting opposite ends of the abortion debate and every stance in-between: absolute no to abortion; no with exceptions such as in the case of life-threatening situations; yes with limits such as before viability; and yes on request. This controversy stems from differing cultural and religious beliefs, as well as the question of when human rights apply. Does a fetus have the same human rights as adults? The wording of different laws around the world will provide different answers to this question. As such, reproductive rights are not currently universal, as citizens in some countries have much more bodily autonomy than citizens in others. Due to the controversy regarding abortion and contraception, binding international treaties and laws have refrained from mentioning these terms (Ross 572).

The right to abortion and the right to contraception should be legally binding, universal reproductive rights observed and enforced by all, as they are protected by society's most fundamental rights to life, health, and privacy. The fundamental rights to life, health, and privacy are granted a legally binding status by the ICCPR and ICESCR, binding covenants that are based on the UDHR. The right to life is preserved by Article 6 of the ICCPR, the right to health by Article 12 of the ICESCR, and the right to privacy by Article 17 of the ICCPR (United Nations General Assembly). As the UN has already established binding covenants that protect life, health, and privacy, the fact that reproductive rights is a component to all three of these binding rights requires that reproductive rights also be recognized and enforced as binding universal human rights.

Anti-abortion activists may use the common law—unwritten laws based on legal precedents—to argue that abortion is a violation of the right to life and a crime, and therefore falls under homicide since a fetus is terminated; however, common law *actually* declares that “abortion performed before ‘quickening’ ...[is] not an indictable offense,” proving anti-abortion activists incorrect (Ross 575). This is because early philosophical concepts interpreted that life begins at “mediate animation,” some point between conception and live birth. Common law declares that “prior to this point, the fetus [is] to be regarded as part of the mother, and its destruction, therefore, [is] not homicide,” thereby refuting the main argument posed by anti-abortion activists (Ross 575). Rather, abortion is a protection of the right to life, specifically, the pregnant woman's. Before mediate animation, the right to life protects the life of the woman, rather than the fetus. Anti-abortion activists may also argue that abortion has been a crime since the beginning of civilization. However, abortion was not always a crime. Leslie Reagan, historian and author of *When Abortion Was a Crime*, states that until the 1880s, “[pre-quickening] abortions were allowed under common law and widely practiced” (Reagan). No one, not even the Catholic Church, believed human life existed at conception nor early on in a woman's pregnancy. While it was considered taboo by Christians, the Catholic Church had “implicitly accepted early abortions prior to ensoulment, [when a human gains a soul],” and did not condemn abortion until 1869, when “abortion became politicized” in the US (Reagan). Rather than being seen as a crime, abortion was viewed as a common practice before countries like the US began making it a crime in the 19th century. Thus, anti-abortion activists are incorrect in their argument that abortion has always been prohibited.

Furthermore, the right to abortion and the right to contraception are included under the right to health, both physical and mental. This would mean that abortion must be granted if a woman's life is at risk, no matter the status

of abortion in the country or state. It must also be granted under international human rights law if continuing with the pregnancy or giving birth will lead to or worsen psychological trauma. The universal right to health also depends on the universality of reproductive rights, something that cannot be adequately enforced at the moment because reproductive rights are not binding under international law. When accessibility decreases—such as when there are laws in place to limit or even ban abortion and contraception—the risk to health increases. For one, WHO states that 73 million abortions take place worldwide every year, and 5–13% of maternal deaths—representing tens of thousands of people—are caused by unsafe abortions (Women and Foreign Policy Program Staff). Restrictive policies do not reduce abortions. In addition to making them costlier as women have to travel farther and/or receive mandatory counseling to get an abortion, restrictive policies make abortions unsafe and illegal. Contrary to popular belief, abortion rates are reduced when countries *liberalize* abortion laws:

“An interesting feature of countries with a permissive abortion system is that the rate of abortions is kept relatively low, for instance in the Netherlands and Japan, while Romania, when a strict abortion law was in force, had one of the highest abortion rates. Statistics show that the number of abortions has even decreased after the liberalization of the abortion regulations in Hungary, Denmark and Finland. In the district of Stockholm (Sweden) abortions declined with 13.5% during 1993. Consequently, several countries with a liberal approach to abortion have not shown that the legislation itself is counterproductive to the legal protection afforded to the fetus, since abortion occurs less frequently than in many countries where it is considered a crime. Thus, law has an impact on the safety of abortion but not on the numbers” (Eriksson 288-289).

The accessibility of contraception faces a similar challenge: according to WHO, “among the 1.9 billion women of reproductive age group (15–49 years) worldwide in 2021, 1.1 billion have a need for family planning; of these, 874 million are using modern contraceptive methods, and 164 million have an unmet need for contraception” (“Family Planning”). With accessibility often dependent on the location of an individual, the supposed universal right to health—as guaranteed by Article 25 of the UDHR, where it states “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including...medical care and necessary social services”—is no longer universal (“Universal Declaration”). To make it so, reproductive rights must also be universal. As Eriksson states in *Reproductive Freedom in the Context of International Human Rights and Humanitarian Law*: “the right to obtain the means of family planning is closely connected with the right to health as guaranteed in international law” (Eriksson 170). If the universal right to health is to be fulfilled, then abortion and contraception must become binding universal rights as well.

Finally, reproductive rights should be protected by the right to privacy, which in itself includes the protection of dignity and bodily autonomy. With the intimacy involved in family planning and abortion, the right to privacy protects individuals from intrusion by federal and state government laws. It takes the choice of having an abortion or taking contraception out of the hands of government officials and physicians, granting individuals freedom over their reproductive organs. As the popular slogan goes, “My body, my choice.”

The right to privacy is “the time-travel paradox of constitutional law” (Head). Former US Supreme Court Justice Louis Brandeis once stated that citizens have “‘the right to be left alone,’” which serves as a foundation of the First, Fourth, and Fifth Amendment (Head). Even so, “privacy” is not explicitly stated in the US Constitution. Yet, the right to privacy remains an integral part of several SCOTUS cases involving reproductive rights: *Roe v. Wade*, which once granted nationwide access to abortion, and *Griswold v. Connecticut*, which grants nationwide access to contraception for married couples. By citing the Fourteenth Amendment’s due process clause in *Griswold*, the 1965 SCOTUS “struck down all state-level bans on birth control and established the right to privacy as a constitutional doctrine” (Head). As stated by Former Justice William O. Douglas:

“...specific guarantees in the Bill of Rights have penumbras...[which] create zones of privacy. The right of association contained in the penumbra of the First Amendment is one...The Third Amendment, in its prohibition against the quartering of soldiers...is another facet of that privacy. The Fourth Amendment explicitly affirms the ‘right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.’...The Ninth Amendment provides: ‘The enumeration in the Constitution, of certain rights, shall not be

construed to deny or disparage others retained by the people' ...[*Griswold v. Connecticut*], then, concerns a relationship lying within the zone of privacy created by several fundamental constitutional guarantees” (Head).

The right to privacy became a constitutional doctrine when it was formed from the penumbras—or implied rights supported by enumerated rights in the US Constitution—of the First, Third, Fourth, Ninth, and Fourteenth Amendments. If privacy can become a constitutional doctrine, or a principle that shapes the interpretation of the US Constitution, and a binding right protected by the UN, shouldn't reproductive rights be able to achieve the same status? Under the ICCPR and ICESCR, the right to life, health, and privacy are all recognized as binding international human rights. If reproductive rights such as abortion and contraception have a clear correlation with life, health, and privacy, why are they not also recognized as binding international human rights?

International and National Stances

International law is able to protect human rights by laying down “obligations which States are bound to respect” (“The Foundation”). Under international law, Member States are obligated “to respect, to protect, and to fulfill human rights,” with respect meaning that they will “refrain from interfering with or curtailing the enjoyment of human rights” (“The Foundation”). Because reproductive rights are not binding under international law, they cannot be enforced. Member states of a covenant or convention are legally obligated to protect legally binding rights to their fullest competence, while they are only politically obligated to protect non-binding rights. As the *Council of Europe* defines them, “A binding document, often called a Treaty, Convention or Covenant, represents a voluntary commitment by states to implement human rights at the national level...a non-binding instrument is basically just a declaration or political agreement by states to the effect that all attempts will be made to meet a set of rights but without any legal obligation to do so” (“Legal Protection of Human Rights”). Since reproductive rights like those to abortion and contraception have not yet been given internationally binding statuses, its impact on the laws of countries are reduced.

To provide binding protection to universal reproductive rights, it must first be recognized and supported on an international level through supranational organizations like the UN. Recognition of international human rights only came together once the UN was established in the mid-1900s. Achieving universal reproductive rights can only be accomplished with the explicit support of the UN. Because of the controversy around them, the terms “abortion” and “contraception” have long been excluded from many international treaties and laws, especially ones that are binding. However, “United Nations human rights treaty bodies regularly call for governments to decriminalize abortion in all cases” (“Access to Abortion is a Human Right”). Agencies within the UN, such as WHO, have “noted that one of the first steps toward avoiding harmful consequences of criminalization of abortion including maternal deaths and injuries is for states to ensure that all people...have access to sex education, are able to use effective contraception, [and] can access safe abortion” (“Abortion Rights”). As expressed by the *Council on Foreign Relations*, “Access to safe abortion has been established as a human right by numerous international frameworks, the UN Human Rights Committee, and regional human rights courts, including the European Court of Human Rights, the Inter-American Court of Human Rights, and the African Commission on Human and Peoples’ Rights” (Women and Foreign Policy Program Staff). Furthermore, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) has been one of the most explicit UN bodies supporting contraception and family planning rights. This is seen where the convention states in Article 16 that State Parties shall ensure equality of men and women in “all matters relating to marriage and family relations,” such as granting “the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights” (United Nations General Assembly). These instances of advocacy show that while abortion and contraception are not necessarily “binding rights” yet, the UN and other supranational organizations are already calling for them to be decriminalized and made accessible to all.

Reproductive rights has been broadly supported on the international level, but circumstances vastly vary on the national level. In regards to abortion, a general trend towards progression and liberalization has been seen, with only four countries tightening restrictions: the United States, Nicaragua, El Salvador, and Poland. Today, 77 countries

allow abortion on request, though there are gestational limits, such as only allowing an abortion within a certain amount of weeks after conception; 12 countries/territories allow abortion on socio-economic grounds, such as when a pregnancy is a result of rape or incest, or if the fetus is unhealthy; 47 countries allow abortion when the pregnancy threatens the pregnant woman's mental health; 44 countries allow abortion to save the life of the pregnant woman; 21 countries prohibit abortion with no exceptions; and 2 countries (US and Mexico) have varying abortion limits depending on the state ("The World's Abortion Laws").

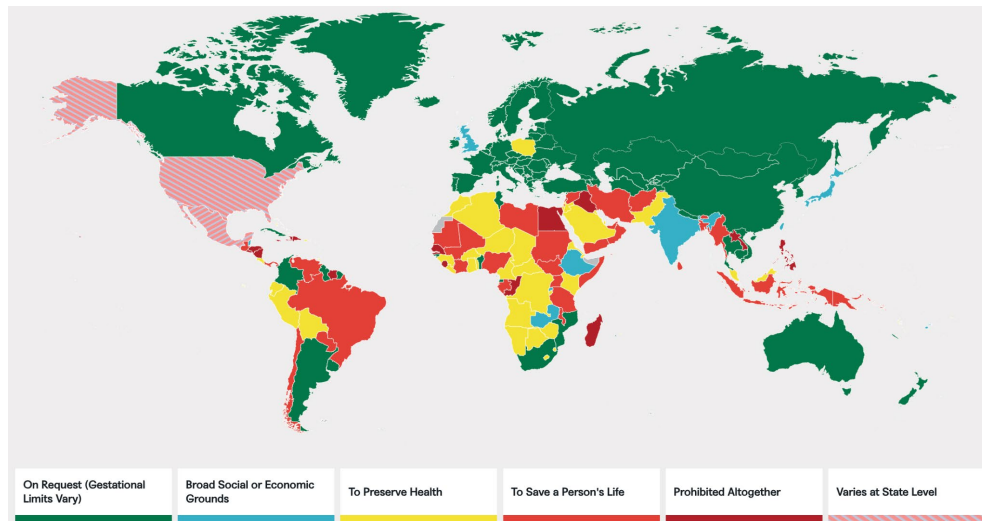


Figure 1. Status of Abortion Around the World ("The World's Abortion Laws")

While the general trend towards liberalization has helped empower women in some parts of the world, the fact remains that half the world continues to heavily limit or ban abortion. For instance, Nicaragua enacted a complete abortion ban in November 2006, removing the possibility for the termination of a pregnancy, no matter if it was a result of rape or incest, or if it threatened the life of the pregnant person. This partially explains why, according to *Planned Parenthood*, Nicaragua now has "the highest rate of teen pregnancy in Latin America, [with] half of Nicaraguan girls giving birth before reaching the age of 20" ("Nicaragua"). Not only does the complete abortion ban restrict the rights of Nicaraguan women, but it also makes certain opportunities unattainable and poses a great risk to their lives.

The regression on abortion in some countries is also a major defeat to abortion-rights activists, especially when it happens in highly influential countries such as the United States. In June 2022, the Supreme Court of the United States (SCOTUS) overturned *Roe v. Wade*, a landmark case decided in 1973 that protected the federal right to have an abortion. With its overturn in the 2022 *Dobbs v. Jackson Women's Health Organization* case, the status of abortion is now left up to individual states, with half choosing to strengthen protections on abortion rights and the other half strengthening regulations on abortion laws, with certain exceptions. *Dobbs* and the US' regression on abortion rights was responded with backlash against the decision and global outrage, and caused many to fear for the safety of other reproductive rights.

While sometimes controversial, contraception is much more accessible than abortion, especially since it does not directly involve the question of the right to life. Nevertheless, some countries and religions still find its usage morally unacceptable. For example, the Roman Catholic Church and more conservative churches ban artificial contraception, which includes everything but engaging in sexual intercourse "during the infertile period of a woman's monthly cycle" ("Contraception"). This is due to viewpoints such as that contraception is unnatural, or that it is a form of anti-life. Talks of immorality have also affected attempts to pass UN resolutions regarding women's rights. During the Fourth World Conference on Women—a UN conference held in Beijing, China in 1995—20 states from Latin

America, regions in Southeast Asia, and the Middle East “indicated that they did not condone abortion and expressed a reservation to that specific provision...[referring] to traditional values and cultural principles, [or domestic legislation and religious practices] as a justification for the reservations” (Eriksson 282). While this conference “marked a significant turning point for the global agenda for gender equality,” such as with the adoption of the Beijing Declaration and Platform for Action, wording involving abortion was scrutinized and changed to limit the extent of protection revolving around women's reproductive health (“Fourth World Conference”). Ultimately, supranational organizations like the UN hesitate to make abortion and contraception binding human rights because of the cultural diversity of opinions regarding them, varying from “serious condemnation to acceptance and to regulating it by law or even prescribing it” depending on the country (Eriksson 285).

Women's Empowerment

To empower women and promote gender equality, we must establish reproductive rights as binding international human rights. Women's empowerment can be defined as the promotion of a woman's opinions, self-worth, and self-autonomy. It is when a woman has agency over her own body to the same degree as a man would have over his own. It is also an important aspect to overcoming gender discrimination and inequality. Such discrimination and inequality is typically found in the workforce. While women have been part of the workforce for centuries, they only represented a small amount of the labor force in earlier centuries. With women seen as the caregivers of a household, most stayed at home to take care of their families. It was not until WWII when millions of women in the US entered the workforce for the first time. As all of the able-bodied men were sent off to fight, women were called upon to take up the vacated job positions. Some worked in factories to produce munitions and clothing, while others became military nurses to care for the injured soldiers, and all made a substantial impact. After the war, nearly all women were laid off, even though “a majority of women wanted to keep their jobs and their new-found economic and social independence,” as the men had returned and were seeking jobs (“Women in World War II”). Nevertheless, the fact that women kept countries' economies up and running during WWII proved that they were fully capable of being equal contributors to the workforce. This became a crucial point women used when more became adamant on entering the workforce in later decades. However, women today are still underrepresented in positions of power. They are more likely to be passed over for promotions and more likely to have their opinions ignored, and the workforce is just one area where gender discrimination and inequality are prevalent.

We can improve women's socio-economic situation throughout the world by making reproductive rights binding under international law. As stated by UN treaty bodies, “empowering women to take decisions about their sexuality and their fertility also empowers them in other domains, such as household decision-making and participation in educational and economic life” (Eriksson 6). For one, the liberalization of anti-abortion and -contraception laws would reduce the social stigma that revolves around abortion and contraception. This would increase women's access to abortion clinics and contraceptives across the country, empowering women around the world with the increase in their bodily autonomy. With contraception and abortion reducing the chances of or preventing offspring, the capability of women to get a degree and join the workforce increases. They can devote the time otherwise spent on raising a child to securing a well-paying job, gaining financial independence, and moving up the social ladder. Financial independence and time in the workforce guarantee various options in life, thus empowering women. And, it allows them to better financially support a child if they choose to have one in the future. Contraception and abortion provide women with a safety net, a choice. This is why society must protect reproductive rights and grant it the status of binding under international human rights law. Nothing can empower women more than establishing abortion and contraception as universally binding rights.

Removing Barriers to Accessibility

Now that the importance of universal reproductive rights has been established, how can we make them binding under international human rights law? The first step would be to remove the barriers that hinder access to abortion and contraception. Such barriers include the criminalization of such procedures and medicines; the social stigma that revolves around such topics; and the marginalization of women.

For centuries, women were having legal abortions under common law. Even the Catholic Church, one of the most conservative institutions regarding abortion and reproductive rights, allowed abortion “prior to ensoulment” before nations began to politicize the issue and make it controversial (Reagan). Prior to its criminalization in the modern era, a woman’s life was seen as more important than a fetus’ life. If society has supposedly progressed in gender equality and human rights since then, why is a woman’s life treated as subordinate to that of a fetus’, especially when a fetus has not yet developed into a human being? Why is valuing the life of a woman a controversial issue? Abortion became criminalized in the US and around the world when women were making gains in their socio-political status. Lawmakers chose to once again criminalize abortion when efforts towards equality began closing gender disparities. Abortion became a controversial issue as a way to disempower women. Restricting it is a form of patriarchal discrimination, a reason to keep women at home and without jobs. It prevents women from dominating the workforce by tying their socio-economic situation to child-bearing. Not only is the criminalization and refusal to see reproductive rights as something worth protecting a statement against bodily autonomy—it is a statement against women.

Criminalizing abortion and contraception pushes reproductive rights even further from becoming universal rights, and endangers fundamental rights such as those to life, health, and privacy. With matters related to intercourse already considered taboo by some societies, such criminalization only serves to increase the social stigma associated with abortion and contraception. Women are often marginalized, viewed as less capable and less important, especially in positions of power traditionally dominated by men. This takes an especially heavy toll on women’s ability to defend reproductive rights. With marginalization making it more challenging for women to hold positions in decision-making bodies of the government, such as in the legislative branch, access to abortion and contraception are hindered. Abortion and contraception are issues that directly concern women more than men, meaning a lack of women in decision-making bodies can correlate to a lack of support for the protection of reproductive rights. Thus, access to abortion and contraception are hindered by criminalization and social stigma, and also by the social and economic marginalization of women.

Removing these barriers relies on the determination of everyone, from influential supranational organizations like the UN to individual civilians within a country. While supranational organizations cannot directly force countries to pass certain rights into law as that would be an infringement on state sovereignty, they do have the ability to influence countries into voluntarily adopting these rights. As stated in *Introduction to International Human Rights Law*, raising the “overall level of protection of human rights within the national legal systems may result not only from the implementation of real legal obligations of the State, but also from a series of other factors and elements—such as...[decisions] of an international body operating at the universal level” (Pustorino 81–82). In other words, the protection of human rights within countries can improve not just from the countries themselves enacting laws, but also from supranational bodies supporting such rights. When bodies like the UN support rights, the protection of human rights at the national level can also be strengthened. For example, the UN expressed its support for ending racial discrimination by establishing the legally binding International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 1965. ICERD requires State Parties to “produce reports to the Committee which outline progress and legislative, judicial, and policy measures taken to fulfill their obligations under the Convention” (“The International Convention”). As such, government offices and national human rights commissions like the Scottish Human Rights Commission have supplied links to the ICERD document and their countries’ State reports on government websites. Other governments have listed the efforts they will take to fulfill ICERD. Because of the UN, countries worldwide have collectively renewed efforts to combat racial discrimination. If the UN were to make reproductive

rights binding under international law, such as by establishing a legally binding convention protecting reproductive rights, the right to abortion and contraception would be strengthened on the national level.

Individuals can also help strengthen the protection of reproductive rights by taking action against their country's laws. Activism comes in many forms. Whether it be through campaigns, protests, or lobbying, individuals can draw attention to abortion and contraception and let those in positions of power know that the people are not satisfied with the current status of reproductive rights. In fact, *Amnesty International* declares that even small acts such as baking cakes, embroidering pillows, and changing one's social media profile picture to support reproductive rights makes a difference ("Abortion Rights"). Speaking out for change is one of the quickest and most influential ways for others to understand the consequences of denying and/or limiting access to abortion and contraception. Take the example of a Texan woman who spoke out about her horrifying experience trying to get an abortion: the woman had suffered complications and she and her partner had learned that they would lose their baby girl. Living in post-*Roe* Texas, she was unable to receive a legal abortion until the pregnancy threatened her life. The woman states that she had "waited to get sick enough to *deserve* care," going into septic shock twice, and permanently losing the full functionality of her reproductive organs ("Women Face Impossible Situations"). Her speech was posted on *NowThis Impact*, a social media-focused news organization that shares such stories to a target audience of Millennials and Gen Z. On this news organization's TikTok account, almost 5.1 million people have listened to her speech. More than 10,000 people have commented on their rage and sadness from hearing her story, and some have even shared their own stories of hardships resulting from the *Dobbs* decision and restrictions in other countries. And, almost 63,000 people have shared this story to other platforms, showing the full extent of a one-minute speech's impact on reproductive rights.

With both supranational organizations and individual civilians vouching for the protection of reproductive rights, government officials are pressured to pass reproductive rights into law, ensuring that they are observed and protected. The protection of reproductive rights can also be reaffirmed when individual cases of them being violated are brought to domestic, or national, courts. Domestic courts can also "serve as a missing link between promulgation and realization of international human rights norms to the benefit of both international and domestic law" (Ross 370). This means that rights supported on the international and national scale can be reinforced by domestic courts. These courts can further strengthen rights on the international level as the work of supranational bodies like the UN tend to be "more interstitial than that of national judicial organs," so they can "benefit from more frequent interpretations of international standards by a variety of national [or domestic] courts" (Ross 370). Just think about the impact *Griswold v. Connecticut* and *Roe v. Wade* had on not just the US, but the world! The US was one of the first countries to legalize abortion (on request), and *Roe* "established precedent for constitutional protections for abortion-guided policies *abroad*" (Ferragamo). Landmark cases in influential countries like *Roe* in the US have contributed to the liberalization of abortion laws in around 60 countries in the past 30 years. As this shows, one court case can make a significant difference, especially when it comes from a highly influential country like the US.

Conclusion

Human rights have greatly progressed on the international level since the establishment of the United Nations in 1945. Fundamental rights such as those to life, health, and privacy have become legally binding, universal human rights, bringing about societal progress in our developing world. However, gender inequality remains prevalent, and the empowerment of women that can close the gender gap is hindered by the lack of adequate access to reproductive rights worldwide. This lack of access is caused by the criminalization and social stigma associated with abortion and contraception, even though such reproductive rights heavily correlate with the binding rights to life, health, and privacy. As such, progress on the domestic and universal level depends on the liberalization of anti-abortion and -contraception laws, activism of individuals, and absolute protection of reproductive rights on the international scale. Gender equality and women's empowerment depends on reproductive rights gaining a binding status under international human rights law.

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