



Lemkin Institute Statement on the Overturning of *Roe v. Wade* in the United States

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The Lemkin Institute for Genocide Prevention strongly condemns the recent decision of the United States Supreme Court (SCOTUS) to overturn *Roe v. Wade*, the landmark ruling which established the constitutional right to abortion in the country. We remind US lawmakers that enforced pregnancy is a crime against humanity. In the opinion of the Lemkin Institute, the recent Supreme Court decision constitutes an assault on the most fundamental human right, the right to privacy, and as such constitutes not just a limitation on reproductive rights and reproductive freedoms, but also an act of aggression against the Constitution, against the very idea of democracy, and against the principle of human dignity.

In the United States, *Roe v. Wade* has permitted abortions on demand during the first two trimesters of pregnancy since 1973. The recent 6-2 decision in *Dobbs v. Jackson Women's Health Organization* overturned the famous ruling — a dramatic and catastrophic setback for the fundamental human rights of women and of all people who can get pregnant, including non-binary people and trans men.

Perhaps no other ruling in American history has had a bigger impact on the lives of all women in the USA than *Roe*. It granted women legal bodily autonomy and reproductive freedom, two fundamental human rights that are essential to full personhood and the exercise of equal citizenship. As former Planned Parenthood president Gloria Feldt said, “without the protections of *Roe*, all other legal and civil rights are meaningless. If you can't determine the fate of your body, all other rights pale. Nothing determines the course of women's lives more than the spacing and timing of her children.” This ability to decide if and when to have children created educational and career opportunities for women, helping to keep them and their families out of poverty.

The recent Supreme Court decision represents, therefore, an attack on the human rights of over half the US population as well as on the constitutional order of the United States itself. It is a victory for the so-called “pro-life” politicians and Republican legislators who are seeking to return more power to the states in the hopes of rolling back the legal gains of the civil rights movements of the 1960s. As such it represents the culmination of a decades-long mobilization against the *Roe* decision as well as other federal civil rights legislation by the radical right-wing of the political spectrum.

Instead of being a constitutionally-protected right, abortion access will now be a states rights issue, meaning that full legal personhood will be dependent upon where a person lives within the

US. As we write this statement, already nearly half of the US states have passed or are positioned to pass laws that prohibit abortion, while others have enacted strict rules limiting the procedure. Some legislators are working on preventing women in states where abortion is legal from traveling to obtain an abortion in other states, while the anti-choice movement more generally is setting its sights on an eventual federal ban of the procedure. These laws do not represent the will of the American people, who overwhelmingly support reproductive rights.

The physical, emotional, and material costs of pregnancy and motherhood are very high. In the US they are particularly burdensome. The United States has the worst ranking of all developed countries when it comes to maternal health. Because the United States does not offer guaranteed universal health care, many Americans are uninsured and unable to access health care. The United States is the only major country without paid parental leave and other assistance that creates a universal social fabric that supports parenthood, childhood, and families. Public spending priorities ignore human needs and instead focus on the security sector and the military. The country is overwhelmed by guns and gun violence, creating a society with poor outcomes for children and families of all income brackets, but especially the poor and working class as well as all persons of color. Within the context of a society organized against the dignity of human life, enforced pregnancy takes on an additional injustice.

Poor and working class women will likely have a hard time traveling to distant States where abortion is legal to terminate unwanted or dangerous pregnancies. Consequently, many people who need abortions will be forced to seek out illegal abortion providers, which in the past frequently resulted in infections, long-term health problems, sterility, and even death. Others will be forced to resort to perilous and untested methods at home.

In States where abortions will be (or already are) outlawed, women will be unable to obtain basic reproductive care, since the procedures identified as “abortion” in the post-Roe legislation are a crucial part of women’s health care. Among other things, they protect the health of women during miscarriages and after fetal death. Where abortion is illegal, medical students will not be trained in the procedures involved, threatening the health of all persons with female reproductive organs nationwide. Medicines that are used as abortifacients but that also have other medical uses will be unavailable for any use at all. Already people suffering from lupus, arthritis, and long Covid have been unable to obtain needed medication due to the Dobbs decision.

In this regard, the Lemkin Institute also wants to emphasize that *Black, Hispanic and working class women in the US will bear the brunt of this SCOTUS decision* insofar as it is known that they already suffer from decreased access to health care compared to middle-class white women. They will also suffer from greater perinatal mortality, as black women and women of color are three to four times more likely to die from pregnancy than white women. Indeed, the decision to overturn Roe will affect disproportionately economically disadvantaged people and individuals of color who already face powerful obstacles to reproductive justice and personal autonomy.

While Roe v. Wade made women fuller and more equal citizens, the recent decision of the Supreme Court reinforces and deepens already-existing racial and class discrimination and injustice.

The Lemkin Institute therefore expresses its *support and solidarity with pro-choice demonstrators and all individuals defending the fundamental rights of women and other persons who are able to get pregnant in the US and around the world*. We believe the Dobbs decision constitutes an emergency moment in the history of the country. An individual's right to govern their own body is a fundamental human right that must be protected by the law along with other reproductive rights.

We also want to highlight that the Supreme Court's Dobbs decision represents a dramatic shift away from democracy and toward a totalitarian system of governance. Indeed, history has shown that setbacks to women's rights and human rights in general can be used as a tool to build totalitarian and exclusionary regimes. The fact that the Dobbs judgment bases its argument on the assertion that there is no inherent right to privacy or personal autonomy in the US Constitution underscores the radical nature of this decision and the extent to which it opens the floodgates to totalitarian rule. Alongside the legislative activism of the global anti-trans movement and efforts to further curtail the rights of LGBTQ+ people, as well as the recent SCOTUS decision limiting the rights of individuals against the police — the violent arm of state power over its citizens, *the United States seems poised to be the next Western democracy to fall to fascism*.

As the Lemkin Institute noted it in a previous statement, “Attacks on Women's Rights in the USA” (September 7, 2021), *all genocidal regimes in history have sought to exercise control over women's bodies through usurping their right to personal sovereignty*. Therefore, we urge US legislators and politicians to undertake immediate pro-active efforts to fight for the right to a safe and legal abortion and to protect and guarantee the reproductive rights and the right to privacy of all Americans without discrimination.