



Human Rights Now

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Human Rights Now Calls for Repeal of Alabama's New Anti-Abortion Law

Human Rights Now, a Tokyo-based international human rights NGO, expresses alarm over the Human Life Protection Act of Alabama, signed into law on 15 May 2019.¹ This new law imposes a near-total ban on abortions, making Alabama the most restrictive state in the country for women seeking the procedure. HRN notes with concern that it is one in a series of acts that severely limit access to abortion recently passed across the United States. Troublingly, legislators explicitly designed the law to contest *Roe v. Wade*, the 1973 landmark Supreme Court decision affirming the constitutional right to have abortions.²

HRN strongly protests Alabama's flagrant disregard for the health, privacy, and autonomy and self-determination of women over matters affecting their physical integrity, and we call on Alabama's legislature to repeal the ban and on any state or federal court to which the case may be brought to recognize it as openly unconstitutional and inconsistent with women's fundamental liberty.

Alabama's Abortion Ban Endangers Women

The Human Life Protection Act criminalizes nearly all abortions in Alabama, making it a felony punishable by 10 to 99 years in prison for a doctor to perform the procedure whenever the mother's life is not at serious risk, even for pregnancies resulting from rape or incest. Lack of access to safe, regulated medical procedures forces women to rely on unsafe, unsupervised abortions, leading to higher rates of maternal and infant mortality and disproportionately harming low-income, Black, and Hispanic women.

¹ Timothy Williams & Alan Blinder, "Lawmakers Vote to Effectively Ban Abortion in Alabama", NY Times, 14 May 2019, <https://www.nytimes.com/2019/05/14/us/abortion-law-alabama.html>.

² Timothy Williams & Alan Blinder, "In Alabama, Opposition to Abortion Runs Deep", NY Times, 16 May 2019, <https://www.nytimes.com/2019/05/16/us/abortion-law-women.html>.

The Abortion Ban Restricts Women’s Fundamental Liberty

Beyond its impact on women in Alabama, this law represents a pattern of infringing on women’s reproductive rights in the US. This year alone, Georgia, Kentucky, Missouri, Mississippi, and Ohio passed bills prohibiting abortions once a heartbeat is detected—generally at six to eight weeks, before many women realize they are pregnant. Utah and Arkansas enacted laws limiting abortions after 18 weeks (four and a half months), although a federal judge has temporarily stopped Utah’s ban in the face of a lawsuit by the ACLU and Planned Parenthood. Other states are currently debating similar bills.

Although many of these abortion bans are not yet in effect, they seek ultimately to overturn the legal basis for abortion in the US under *Roe v. Wade*, which holds that the practice is a fundamental liberty for women, part of their right to privacy protected under the US Constitution’s Fourteenth Amendment. The legislators behind the bans hope that the US Supreme Court’s new conservative majority will reverse or constrain the precedent set by *Roe*, despite it having been reaffirmed repeatedly by the Court.

The UN Human Rights Committee has also described the decriminalization and availability of abortions, whenever women might turn to unsafe procedures but especially in cases of rape and incest, as critical to human rights, and it has observed that “outlawing women’s access to abortion services can cause severe suffering and undermines their personal integrity and autonomy, which results in acute violations of their human rights.”³

Alabama’s Abortion Ban Must Be Repealed to Protect the Fundamental Liberty of Women

The US faces a pivotal moment in its protection of women’s rights. Alabama’s abortion ban represents a direct attack on women’s health, privacy, autonomy, and fundamental liberty. Recognizing the act as inconsistent with the US’s international obligations, HRN calls on Alabama’s legislature to respect the rights of women by repealing Alabama’s abortion ban immediately, on its authorities to refuse to prosecute healthcare providers under the act, and on any state or federal court to which the case may be brought to recognize and treat the act as openly contradicting established precedent on a fundamental constitutional right.

³ General Comment No. 36 on Article 6 of the ICCPR, Human Rights Committee, 30 Oct. 2018, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf; *Mellet v. Ireland*, Human Rights Committee, Communication No. 2324/2013, CCPR/C/116/D/2324/2013 (2016); *K.L. v. Peru*, Communication No. 1153/2003, CCPR/C/85/D/1153/2003 (2005).