



THE PERMANENT MISSION
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

August 30, 2023

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Special Rapporteur on violence against women
and girls, its causes and consequences
Geneva, Switzerland

Gerard Quinn
Special Rapporteur on the rights of persons with
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Special Rapporteur on minority issues
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Olivier De Schutter
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K.P. Ashwini
Special Rapporteur on contemporary forms of
racism, racial discrimination, xenophobia and
related intolerance
Geneva, Switzerland

Nazila Ghanea
Special Rapporteur on freedom of religion or belief
Geneva, Switzerland

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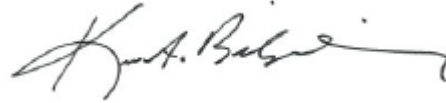
Special Rapporteur on torture and other cruel,
inhuman or degrading treatment or punishment
Geneva, Switzerland

Dorothy Estrada-Tanck
Chair Rapporteur of the Working Group on
discrimination against women and girls
Geneva, Switzerland

Dear Special Procedures Mandate Holders:

Please find enclosed the U.S. response to your letter dated May 10, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly A. Billingsley". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kelly Billingsley
Deputy Permanent Representative
Human Rights

U.S. Response to Request for Information Regarding Dobbs v. Jackson Women's Health Organization (203-23)

Dear Special Procedures Mandate Holders:

Thank you for your letter dated May 10, 2023, requesting information regarding your serious concerns about the deterioration in the access of women and girls in all their diversity in the United States to health care, including in relation to sexual, reproductive, and maternal healthcare, as well as gender-based violence, following the United States Supreme Court decision in the case of Dobbs v. Jackson Women's Health Organization, and allegations of direct and indirect violations of international human rights law as a result of that decision. We recognize the work you do across the globe to promote respect for human rights, and we appreciate the opportunity to provide the below information concerning U.S. law, policy, and practice.

From the outset, we underscore the Biden-Harris Administration is committed to building a future—here in the United States and around the world—where each and every one of us can access opportunity and make the most of our potential, regardless of gender, sexual orientation, gender identity or expression, sex characteristics, race, income, disability, geography, and other factors. The Administration understands that building that future depends on safeguarding our health and wellness, including protecting and advancing sexual and reproductive health and rights (SRHR) for all. Advancing SRHR is a core part of the Biden-Harris Administration's approach to advancing equity and equality for all, including those who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.

On June 24, 2022, the Supreme Court issued its decision in Dobbs v. Jackson Women's Health Organization, which overturned Roe v. Wade and Planned Parenthood v. Casey and eliminated the constitutional right to abortion as recognized in those decisions. The Biden-Harris Administration strongly disagrees with this decision and remains committed to protecting access to reproductive health care. On the one-year anniversary of this decision, President Biden stated that "[his] Administration will continue to protect access to reproductive health care and call on Congress to restore the protections of Roe v. Wade in federal law."

On the day of the Supreme Court's decision overturning Roe v. Wade in June 2022, President Biden identified preserving access domestically to medication for reproductive healthcare, including medication abortion, as one of the Administration's key priorities in the immediate response to the ruling. President Biden directed the Secretary of Health and Human Services (HHS) to ensure that mifepristone is as widely accessible as possible in light of the U.S. Food and Drug Administration's (FDA) determination that the drug is safe and effective. On the same day, the Attorney General made clear that states may not ban mifepristone, a drug used in medication abortion, based on a state's disagreement with the FDA's expert judgment about its safety and efficacy.

In July 2022, President Biden issued Executive Order (E.O.) 14076 (Protecting Access to Reproductive Healthcare Services). The E.O. instructs the Secretary of HHS to, among other things, 1) identify potential actions to protect and expand access to abortion care, including medication abortion; and to otherwise protect and expand access to the full range of reproductive healthcare services, including contraception; 2) identify steps to ensure that all patients receive the full protections for emergency medical care afforded under the law; 3) evaluate additional actions to better protect sensitive information related to reproductive health care; and 4) identify ways to increase outreach and education about access to reproductive healthcare services.

Additionally, the E.O. directs the Attorney General and the Secretary of Homeland Security to consider actions to ensure the safety of patients, providers, and third parties and to protect the security of clinics (including mobile clinics), pharmacies, and other entities providing, dispensing, or delivering reproductive and related healthcare services. It also directs the Attorney General to provide technical assistance, as appropriate and consistent with applicable law, concerning federal constitutional protections to states seeking to afford legal protection to out-of-state patients and providers who offer legal reproductive healthcare.

In August 2022, President Biden issued E.O. 14079 (Securing Access to Reproductive and Other Healthcare Services), directing further action to protect access to reproductive healthcare services and to address the crisis facing women's health and public health more broadly. Among other provisions, the E.O. addresses challenges women have faced in accessing prescription medication at pharmacies, including medication that is used to treat stomach ulcers, lupus, arthritis, and cancer, due to concerns that these medications, some of which can be used in medication abortions, could be used to terminate a pregnancy. The E.O. instructs the Secretary of HHS to consider actions to advance access to reproductive healthcare services, including by supporting patients who must travel out of state for medical care; to consider all appropriate actions to ensure health care providers comply with Federal non-discrimination laws so that women receive medically necessary care without delay; and evaluate the adequacy of research, data collection, and data analysis and interpretation efforts in accurately measuring the effect of access to reproductive healthcare on maternal health outcomes and other health outcomes with the aim of improving them.

In April 2023, the Biden-Harris Administration announced actions to strengthen reproductive health privacy under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), protect students' health information, support consumer privacy, and safeguard patients' electronic health information. Please find attached a Fact Sheet from April 2023 on the Biden-Harris Administration's Actions to Protect Patient Privacy at the Third Meeting of the Task Force on Reproductive Healthcare Access, which is also available at the following web address: <https://www.whitehouse.gov/briefing-room/statements-releases/2023/04/12/fact-sheet-biden-harris-administration-announces-actions-to-protect-patient-privacy-at-the-third-meeting-of-the-task-force-on-reproductive-healthcare-access/>.

Please also find attached a Fact Sheet from April 2023 on the Biden-Harris Administration's

Record on Protecting Access to Medication Abortion, which is also available online at the following web address: <https://www.whitehouse.gov/briefing-room/statements-releases/2023/04/12/factsheet-the-biden-harris-administrations-record-on-protecting-access-to-medication-abortion/>. Additionally, please find attached a June 2023 report on the Biden-Harris Administration's efforts at the state-level over the last year, which is available online at the following web address: <https://www.whitehouse.gov/wp-content/uploads/2023/06/Dobbs-Anniversary-States-Report-6.22.23.pdf>.

Please also find attached a June 2023 Fact Sheet, titled Biden-Harris Administration Highlights Commitment to Defending Reproductive Rights and Actions to Protect Access to Reproductive Health Care One Year After Overturning of Roe v. Wade, which is available online at the following web address: <https://www.whitehouse.gov/briefing-room/statements-releases/2023/06/23/fact-sheet-biden-harris-administration-highlights-commitment-to-defending-reproductive-rights-and-actions-to-protect-access-to-reproductive-health-care-one-year-after-overturning-of-roe-v-wade/>.

In June 2023, President Biden issued E.O. 14101 (Strengthening Access to Affordable, High-Quality Contraception and Family Planning Services). Among other things, the E.O. seeks to improve contraception access and affordability under the Affordable Care Act; promote increased access to over-the-counter contraception; expand access to family planning services and supplies through the Medicaid program; improve the coverage of and payment for contraception through the Medicare program; promote contraception access across federal healthcare programs and relevant human services programs; and identify best practices for institutions of higher education, employers, and organizations that sponsor private healthcare coverage to make affordable, high-quality contraception available. Please find attached a June 2023 Fact Sheet, titled President Biden Issues Executive Order on Strengthening Access to Contraception, which is available online at the following web address: <https://www.whitehouse.gov/briefing-room/statements-releases/2023/06/23/fact-sheet-president-biden-issues-executive-order-on-strengthening-access-to-contraception/>.

Since the Supreme Court's decision in Dobbs v. Jackson Women's Health Organization, HHS has worked to protect and expand access to reproductive care amidst unprecedented efforts at the national and state levels to restrict access to abortion. The decision has had, and will continue to have, an immediate and irreversible impact on the lives of people across the country and has already been shown to have a disproportionate impact on women belonging to racial and ethnic minority groups, Indigenous women, and those with low incomes. HHS' actions have been centered on six core priorities:

1. Protecting Access to Abortion Services
2. Safeguarding Access to Birth Control
3. Protecting Patient Privacy
4. Promoting Access to Accurate Information
5. Ensuring Non-discrimination in Healthcare Delivery

6. Preserving and Defending Evidence-Based Decision Making at the U.S. FDA

As HHS Secretary Becerra stated on the one-year anniversary of the decision in *Dobbs v. Jackson Women's Health Organization*, "The Biden-Harris Administration will always defend a woman's access to reproductive health care because our daughters shouldn't grow up in an America where they have fewer rights than their mothers and grandmothers. Since the *Dobbs* decision, we have worked across the federal government to promote access, information, and privacy for those seeking reproductive health care, including abortion care." A full report on HHS' actions is attached and can be found online at the following web address: <https://www.hhs.gov/sites/default/files/roe-report.pdf>. Please also find attached HHS' action plan to protect and strengthen access to reproductive care, which can also be found online at the following web address: <https://www.hhs.gov/sites/default/files/hhs-report-reproductive-health.pdf>.

In the year since the Supreme Court's decision overturning *Roe v. Wade*, the U.S. Department of Justice (DOJ) has worked with commitment and urgency to defend the reproductive freedoms that are protected by federal law. In response to the Court's decision in *Dobbs v. Jackson Women's Health Organization*, DOJ established the Reproductive Rights Task Force in July 2022, formalizing DOJ's ongoing work to protect reproductive freedoms under federal law.

Led by Associate Attorney General Vanita Gupta, the Task Force consists of senior officials and dedicated staff from across a dozen department components who are working daily to address complex and widespread threats to reproductive health in the wake of *Dobbs*. The Associate Attorney General regularly convenes Task Force meetings, including a meeting on Friday, June 23, to reflect on DOJ's work in the year since *Dobbs* and prepare for the challenges ahead.

Over the past year, the Task Force has also met with a broad array of stakeholder groups – ranging from state Attorneys General offices to foreign delegations to members of litigating and reproductive justice organizations – to discuss the fallout from *Dobbs* and gather information about on-the-ground developments. The Task Force's website contains resources for attorneys, state officials, patients, and providers: <https://www.justice.gov/reproductive-rights>.

DOJ is working to protect the right to emergency medical care guaranteed by the Emergency Medical Treatment and Labor Act (EMTALA), 42 U.S.C. § 1395dd; the security of clinics and other entities providing, dispensing, or delivering reproductive and related health care services; and access to medication abortion drugs as authorized by the Food and Drug Administration. Please find attached a fact sheet highlighting DOJ's work in the year since *Dobbs* was decided, which is also available online at the following web address: <https://www.justice.gov/opa/pr/fact-sheet-justice-department-efforts-protect-reproductive-rights-health-and-justice>.

Global Commitment to SRHR Continues and Complies with Longstanding Statutory Restrictions

In addition to actions to safeguard access to reproductive healthcare domestically, the Biden-

Harris Administration remains resolutely committed to advancing and protecting SRHR around the world. Increasing access to sexual and reproductive health (SRH) information and services improves the health and lives of women, children, families, and communities. It is fundamental to accelerating universal health coverage and to expanding preventive care; helps girls to enter and stay in school and expands opportunities for women to participate in the labor force; advances gender equity and equality; and promotes and protects the human rights of women, girls, and LGBTQI+ individuals, particularly those who face multiple and intersecting forms of discrimination.

The United States continues to support global SRH programs, including through its comprehensive programming on voluntary family planning, maternal and child health, and prevention and response to gender-based violence. The United States is proud to remain the largest bilateral donor to global family planning assistance, a commitment spanning more than five decades. The Supreme Court decision overturning *Roe v. Wade* does not change existing overseas U.S. reproductive health programming or funding. Longstanding statutory restrictions related to abortion that apply to U.S. foreign assistance remain in place.

Please find attached a fact sheet on the Biden-Harris Administration's Commitment to Advancing Sexual and Reproductive Health and Rights Globally, which can also be found online at the following web address: <https://www.hhs.gov/about/news/2023/06/24/biden-harris-administrations-commitment-advancing-sexual-reproductive-health-rights-globally.html>.