

Reproductive Rights and The Right to Privacy

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Background: what are reproductive rights, and how are they provided for?

- “Few rights are more central to individual freedom than the right to control one’s own body. The Justice Department will use every tool at our disposal to protect reproductive freedom.”
- Thanks to the Fourteenth Amendment, the right to privacy is implied by the guarantee of due process for all individuals, meaning that the state cannot exert undue control over citizens' private lives.
- Reproductive rights concern the ability of a person with a uterus to have access to reproductive healthcare, such as birth control, contraception, and medical procedures like abortions. Reproductive rights are provided for by governments and private organizations.

Reproductive rights worldwide

According to the UN:

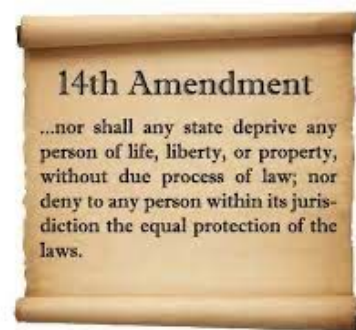
- “Rights to reproductive and sexual health include the right to life, liberty and the security of the person”
- “Women’s reproductive capacity was transformed from an object of population control to a matter of women’s empowerment to exercise personal autonomy in relation to their sexual and reproductive health within their social, economic and political contexts. Women’s health in general, and their sexual and reproductive health in particular, are determined not only by their access to health services but by their status in society and pervasive gender discrimination”

<https://www.un.org/womenwatch/daw/csw/shalev.htm#:~:text=The%20right%20to%20reproductive%20choice,of%20family%20planning%20and%20contraception.>

Reproductive rights in the US

- Reproductive rights in the United States were first broadly provided for in *Griswold v Connecticut* (1965) where access to contraception and birth control was afforded
 - *Roe v Wade* (1973) “the right to liberty in the Constitution, which protects personal privacy, includes the right to decide whether to continue a pregnancy” (Center for Reproductive Rights)
 - Right to privacy determined abortion access
 - *Planned Parenthood v. Casey* (1992) where any one state could not “prohibit any woman from making the ultimate decision to terminate her pregnancy before viability.” (NYT)

<https://www.oyez.org/>





Downfall of Reproductive Rights in the US

- With the Dobbs v. Jackson (2022) decision, the nearly 6-decade span of affording reproductive rights to women in America was over- the precedents the Supreme Court had set many times were tossed aside in favor of actively harming many lives.
- Even as far back as in 1891, the court ruled in favor of privacy by saying that “no right is held more sacred... by the common law, than... control of [one’s] own person” in Union Pacific Railway Co. v. Botsford
 - So, the Dobbs v. Jackson decision directly contradicts the right to privacy maintained in countless Supreme Court cases

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So, Why Does This Matter?

This matters because many other privacy-related cases, not just ones that impact the lives of women, are easily threatened as well.

- Obergefell v Hodges (2015) legalized same-sex marriage
- Loving v Virginia (1967) legalized interracial marriage
- Griswold v Connecticut (1992) provided contraception and birth control access

This dangerous precedent could prove to be extremely dangerous and has already threatened Americans' rights.

Policy Suggestion



Suggesting that:

- Basic reproductive healthcare be afforded across the US, in line with the Supreme Court's continuous right to privacy decisions
- Ensure that it cannot be reversed with a different Supreme Court

Doing so will maintain previous precedents and protect many rights that Americans currently have, and will ensure that government intervention in the private lives of its citizens (concerning areas like marriage, healthcare, etc.) will be minimal.

Things like changing how Supreme Court members are elected and term limits could also help to make a more equitable Court where more voices are represented, but this may not be realistic to implement.



Works Cited

- “Oyez Supreme Court Center.” *Oyez.Org*, www.oyez.org/. Accessed 8 May 2023.
- “Rights to Sexual and Reproductive Health.” *United Nations*, www.un.org/womenwatch/daw/csw/shalev.htm#:~:text=The%20right%20to%20reproductive%20choice,of%20family%20planning%20and%20contraception. Accessed 8 May 2023.
- “Reproductive Rights.” *United States Department of Justice*, 1 Mar. 2023, www.justice.gov/reproductive-rights.
- *Center for Reproductive Rights*, Center for Reproductive Rights, 4 May 2023, reproductiverights.org/.