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RESOLUTION NO.

WHEREAS, on June 24, 2022, the United States Supreme Court in *Dobbs v. Jackson Women's Health Organization* overturned *Roe v. Wade* and *Planned Parenthood v. Casey* and eliminated the federal constitutional right to abortion in the United States leading to more than a dozen states passing legal barriers that fully ban abortion, and many others passing legal barriers that severely restrict abortion; and

WHEREAS, this decision and subsequent bans have forced thousands of people to travel outside of Texas for abortion care; and

WHEREAS, since the *Dobbs* decision, there has been increased risk of criminalization of abortion seekers and those who help them and abortion providers; and

WHEREAS, from 2006 to 2022, nearly 1,400 people were arrested in the United States in relation to the circumstances or outcomes of their pregnancy, including pregnancy loss, and prosecutions overwhelmingly targeted people with low incomes and this trend has only increased since the *Dobbs* decision; and

WHEREAS, Council passed Resolution No. 20170126-045, the "Abortion is Healthcare" Resolution, which recognizes that abortion is an essential component of health care, affirms that safe and legal abortion should be affordable and accessible for all who seek care, and supports the work of health care providers in Austin and Travis County who face threats and violence for providing safe and legal abortion care; and

WHEREAS, Council passed Resolution No. 20181004-035, supporting the repeal of both public and private abortion insurance coverage bans, to ensure that everyone, regardless of income, has access to abortion care; and

27 **WHEREAS**, Council passed Ordinance No. 20220721-001, prohibiting
28 discrimination based on reproductive healthcare decisions, as a protected class; and

29 **WHEREAS**, Council passed Resolution No. 20200326-051, declaring
30 March 10, 2020 as Abortion Providers' Appreciation Day to honor Dr. David
31 Gunn's memory and to celebrate the courage and compassion of abortion
32 providers; and

33 **WHEREAS**, Council has repeatedly demonstrated its commitment to
34 abortion access in Resolution Nos. 20130321-045, 20140925-082, 20141120-038,
35 20151015-039, 20170126-045, and 20210930-111; and

36 **WHEREAS**, the retrogression on abortion rights in the United States is
37 inconsistent with the United States' obligations under international human rights
38 law; and

39 **WHEREAS**, treaties ratified by the United States should be upheld at the
40 federal, state, and local levels as they are considered the “supreme Law of the
41 Land” under article VI, clause 2 of the United States Constitution; and

42 **WHEREAS**, the United States has ratified, and is bound by, the
43 International Covenant on Civil and Political Rights (ICCPR), the International
44 Convention on the Elimination of All Forms of Racial Discrimination (ICERD),
45 and the Convention Against Torture (CAT) and other cruel, inhuman, or degrading
46 treatment or punishment; and

47 **WHEREAS**, the United States has joined the international community in
48 identifying reproductive rights as human rights, including in connection with the
49 1994 International Conference on Population and Development, and the 1995
50 Beijing World Conference on Women; and

51 **WHEREAS**, the United Nations Human Rights Committee has repeatedly
52 found that abortion bans violate multiple human rights the United States is bound
53 to protect, including life, privacy, freedom from torture, cruel, inhuman, or
54 degrading treatment or punishment, and equal protection; and

55 **WHEREAS**, the United States has been reviewed by two treaty monitoring
56 bodies since the *Dobbs* decision, the ICCPR and the ICERD, and the United
57 Nations Human Rights Committee has called on the United States government at
58 all levels, including federal, state, and local, to uphold human rights obligations
59 under these treaties, including protecting sexual and reproductive health and rights;
60 and

61 **WHEREAS**, at least 181 women in El Salvador have been prosecuted for
62 experiencing obstetric emergencies in the past two decades; and

63 **WHEREAS**, in El Salvador, dozens of women have been convicted of
64 aggravated homicide, punishable by 30 years of incarceration, for experiencing
65 obstetric emergencies; and

66 **WHEREAS**, the Inter-American Court of Human Rights is currently
67 reviewing the case of Beatriz, a woman who was denied an abortion by El
68 Salvador despite her high-risk, nonviable pregnancy that gravely threatened her
69 health and life; and

70 **WHEREAS**, Beatriz was denied access to a legal, early, and timely abortion
71 in a case of an anencephalic pregnancy, which not only damaged her health,
72 personal integrity, and life, but also violated the absolute prohibition of torture and
73 other cruel, inhuman, and degrading treatment, and her right to live a life free from
74 violence and discrimination as is stated in the ICCPR; and

75 **WHEREAS**, cases like Beatriz’s are being seen across many of the states
76 that have banned or severely restricted abortion access and Texas residents Kate
77 Cox, Amanda Zurawski, Lauren Miller, Lauren Hall, Anna Zargarian, Ashley
78 Brandt, and countless other pregnant people have been denied necessary and
79 potentially life-saving obstetrical care because medical professionals throughout
80 the state fear liability under Texas’s abortion bans; and

81 **WHEREAS**, Kate Cox, Amanda Zurawski, Lauren Miller, Lauren Hall,
82 Anna Zargarian, Ashley Brandt, and many others have sued the state of Texas
83 claiming that the state's abortion bans put their health or lives at risk while facing
84 pregnancy-related medical emergencies; and

85 **WHEREAS**, Kyleigh Thurman and Kelsie Norris-De La Cruz filed federal
86 complaints to the Department of Health and Human Services against two Texas
87 hospitals that repeatedly turned them away in violation of the Emergency Medical
88 Treatment and Labor Act (EMTALA), forcing them to wait so long for care that
89 they each lost a fallopian tube compromising their future fertility; and

90 **WHEREAS**, the human rights violations at issue in these cases from the
91 United States and El Salvador are identical; and

92 **WHEREAS**, in its 2021 Country Report on Human Rights Practices for El
93 Salvador, the United States Department of State included reports of discrimination,
94 wrongful incarceration, abuse, and mistreatment of women who suffered
95 pregnancy complications and miscarriages, and acknowledged the Inter-American
96 Court of Human Rights’ 2021 ruling in *Manuela v. El Salvador* that the
97 government violated the right to personal freedom, life, health, and justice in the
98 case of Manuela, a woman sentenced to 30 years in prison after suffering a
99 pregnancy loss; and

100 **WHEREAS**, no one should be criminalized for any pregnancy outcome; and

101 **WHEREAS**, no one should be criminalized for providing essential health
102 care; and

103 **WHEREAS**, no one should be criminalized for helping someone obtain
104 abortion care; and

105 **WHEREAS**, punishing people for their pregnancy outcomes, the
106 circumstances of their pregnancies, or for providing essential reproductive and
107 sexual health care, violates their human rights; and

108 **WHEREAS**, the threat of criminalization or prosecution can intimidate
109 people from seeking or providing care; and

110 **WHEREAS**, Indigenous people, Black people, Latinx people, people of
111 color, people with low incomes, people living in rural areas, people with
112 disabilities, young people, immigrants, people who are undocumented, LGBTQ+
113 individuals, and other marginalized individuals are disproportionately more likely
114 to be surveilled, arrested, charged, prosecuted, convicted, and heavily punished
115 within the American criminal justice system and experience additional scrutiny
116 from the American legal system due to systemic discrimination; and

117 **WHEREAS**, pregnant people who have been denied abortion care may be
118 putting their health, fertility, and lives at risk, have been forced to carry nonviable
119 pregnancies to term, or have been criminalized for miscarriage, the circumstances
120 of their pregnancies, abortions, and other pregnancy outcomes; and

121 **WHEREAS**, pregnant people in Texas have been forced to undergo
122 invasive and dangerous surgeries, such as cesarean sections, instead of receiving
123 routine abortion care when faced with obstetric emergencies, putting their health
124 and lives at risk; and

125 **WHEREAS**, this obstetric violence has long been true for communities of
126 color and especially Black communities, as early American gynecology treated
127 Black women as expendable clinical material for its institutional needs, animated
128 by biological racism and the legal and economic exigencies of the antebellum era;
129 and

130 **WHEREAS**, physicians, such as the once-heralded J. Marion Sims, an
131 Alabama doctor many call the “father of gynecology,” performed torturous
132 surgical experiments on enslaved Black women without anesthesia or consent; and

133 **WHEREAS**, everyone deserves to control their bodily autonomy and easily
134 access sex education and birth control, especially young people who face the most
135 barriers to accessing healthcare; and

136 **WHEREAS**, local travel ban ordinances being considered in municipalities
137 along the Texas/New Mexico border, which have been passed into law in states
138 like Idaho and Tennessee, are violating individuals’ constitutionally-protected right
139 to travel to another state for legal medical services; and

140 **WHEREAS**, people who choose to self-manage their abortion with
141 medication, herbs, or other methods that encompass traditional and spiritual means,
142 should not be criminalized for making a decision that is best for themselves and
143 their families; and

144 **WHEREAS**, the United Nations Human Rights Committee’s observations
145 express deep concern over “the criminalization of various actors in connection
146 with their role in providing or seeking abortion care, including health care
147 providers, persons who assist women to procure an abortion, notably family
148 members, and pregnant women seeking an abortion;” and

149 **WHEREAS**, the United Nations Human Rights Committee explicitly
150 recommended that the United States Government take all measures necessary at
151 the federal, state, and local levels to put “an end to the criminalization of abortion
152 by repealing laws that criminalize abortion, including laws that apply criminal
153 sanctions to women and girls who undergo abortion, to health service providers
154 who assist women and girls to undergo abortion, and to persons who assist women
155 and girls to procure an abortion”; and

156 **WHEREAS**, this Resolution aligns the City with its human rights
157 obligations under the International Covenant on Civil and Political Rights in
158 accordance with article VI, clause 2 of the United States Constitution; **NOW,**
159 **THEREFORE,**

160 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

161 Council incorporates all the above recitals as findings of this Council and
162 declares reproductive rights are human rights.

163
164 **ADOPTED:** _____, 2024 **ATTEST:** _____

165
166 Myrna Rios
167 City Clerk
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