

## EXPLORING HUMAN RIGHTS AND REPRODUCTIVE JUSTICE

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Reproductive justice is a “movement that splices together *reproductive rights* with *social justice*” and provides a framework for examining the experience of reproduction. It emerged from Black women’s lived reproductive experiences, past and present.<sup>1</sup>

MacArthur Foundation Fellow (2022) Loretta J. Ross, one of the founders of the reproductive justice movement, explains the core principles in this two-minute video from the MacArthur Foundation: [https://www.youtube.com/watch?v=sF\\_9VktvSPA](https://www.youtube.com/watch?v=sF_9VktvSPA)

The core principles of reproductive justice as of 2023 are:

- 1.) Right to not have a child
- 2.) Right to have a child
- 3.) Right to raise children in healthy, safe, sustainable communities
- 4.) The right to bodily autonomy and to control one’s future.<sup>2</sup>

### ***How is reproductive justice connected to human rights?***

#### Establishing an International Human Rights System

As part of a broader movement to promote and protect human rights as a necessary condition of forging a peaceful postwar order, representatives of the nascent United Nations adopted the 1948 [Universal Declaration of Human Rights](#) (UDHR). The UDHR serves as the foundation of modern human rights standards to this day.

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<sup>1</sup> Loretta Ross and Ricky Solinger, *Reproductive Justice: An Introduction* (Oakland: University of California Press, 2017), 9.

<sup>2</sup> “Visioning New Futures for Reproductive Justice Declaration 2023,” Sister Song, September 5, 2023, <https://www.sistersong.net/visioningnewfuturesforj>.

The UDHR establishes that, by nature of being human, all people deserve to live a life of dignity. The declaration articulates a set of inter-dependent, inter-related political, civil, economic, social, and cultural rights, both individual and communal, that purport to be universal in nature while also being broad enough to permit pluralistic interpretations. Charged with ensuring the observance of human rights in its founding Charter, the UN has developed a system, albeit imperfect, to advance the promotion and protection of human rights.

### Reproductive Justice Advocates Adopt a Human Rights Framework.

Part of the UN system to promote and protect human rights includes regular, periodic convenings to visit progress, create new platforms, and/or set new goals.

Several women of color, including founders of the reproductive justice movement, attended UN women's rights and population and development conferences in Nairobi (1985), Cairo (1994), and Beijing (1995). At these conferences, Black feminist reproductive activists began to explore the international human rights framework as a means of advancing reproductive justice in the United States. Advocates noted the potential of using international human rights norms and standards to push for change at home, a process known as domestication.<sup>3</sup>

In this [University of Michigan Global Feminisms Project](https://www.youtube.com/watch?v=aKS38mAs_al) video clip, Loretta Ross discusses with Zakiya Luna early encounters with international human rights as a framework for advocacy: [https://www.youtube.com/watch?v=aKS38mAs\\_al](https://www.youtube.com/watch?v=aKS38mAs_al)

### ***Reproductive Justice and the Domestication International Human Rights***

As reproductive justice advocates have noted, US-based reproductive freedom advocates have

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<sup>3</sup> Loretta Ross and Megna Gupta, "Bringing Human Rights Home: Human Rights Education for the 21<sup>st</sup> Century," *Social Education*, 62 no.6 (October 1998): 377-380; Zakiya Luna, *Reproductive Justice as Human Rights: Women of Color and the Fight for Reproductive Justice* (NYU Press, 2020), 61-62; 68-76.

relied heavily on the Constitutional framework of *Roe v. Wade*.<sup>4</sup> In contrast, global advocates more readily draw upon international human rights and its reliance on the interdependence of rights as a means to challenge reproductive oppression experienced most profoundly by women of color and LGBTQ+ communities.

Reproductive justice advocates argue that applying a human rights framework fosters a “revolutionary” approach to domestication, thereby challenging the more “restrictive” approach to the application of human rights law prevalent in the United States.<sup>5</sup> Indeed, advocates assert that international human rights frameworks facilitate a better understanding that pregnancy, childbirth, and parenting are human experiences and thus deserve to occur in contexts that are safe, healthy, dignified, and deserving of human rights protections.<sup>6</sup>

Reproductive Justice is thus grounded in fundamental, internationally recognized human rights, such as the right to health, the right to information, the right to privacy, the right to decide on the number and spacing of children, the right to found a family, the right to adequate food, clothing and housing, the right to be free from discrimination, and more.<sup>7</sup>

### ***Exploring a Role for Advocates of Human Rights***

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<sup>4</sup> “An interview with Loretta Ross,” interview by Zakiya Luna, *Global Feminism Project, University of Michigan*, May 22, 2006, video, 49.56-52.55; 53.18-54.05, [https://www.youtube.com/watch?v=aKS38mAs\\_al](https://www.youtube.com/watch?v=aKS38mAs_al).

<sup>5</sup> For the contrast between the revolutionary and restrictive domestication in relation to reproductive justice see Zakiya Luna, *Reproductive Justice as Human Rights*, 29-42.

<sup>6</sup> Loretta Ross and Ricky Solinger, *Reproductive Justice*, 10-12.

<sup>7</sup> “International Covenant on Civil and Political Rights,” opened for signature December 16, 1966, *United Nations Treaty Series Online*, registration no. I-14668, <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280004bf5&clang=en>; “International Covenant on Economic, Social, and Cultural Rights,” opened for signature December 16, 1966, *United Nations Treaty Series Online*, registration no. I-14531, <https://treaties.un.org/Pages/showDetails.aspx?objid=080000028002b6ed&clang=en>; “Convention on the Elimination of All forms of Discrimination Against Women,” opened for signature December 18, 1979, *United Nations Treaty Series Online*, registration no. I-20378, <https://treaties.un.org/Pages/showDetails.aspx?objid=080000028000309d&clang=en>.

[Sister Song](#), the national umbrella organization for reproductive justice groups has called upon mainstream, predominantly white, liberal feminist organizations engaged in reproductive activism—and who have historically relied upon the narrower framework of “rights” or “choice”—to *ally* with them in the quest for a broadly-based *human rights* approach that expands beyond the binary construction of the pro-choice v. pro-life framework.<sup>8</sup> This work seeks to address structural inequities and power imbalances that produce inequality and instead advocates for the ability of all to choose to have a child, to not have a child, to have the ability to parent children in safe, healthy, and sustainable communities, and to enjoy sexual autonomy and gender freedom.

*Jo Butterfield earned her Ph.D. in History and a Graduate Certificate in Gender, Women’s, and Sexuality Studies from the University of Iowa in 2012. She studies the role of feminist activism and gender ideology in shaping modern human rights standards.*

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<sup>8</sup> “Join Us,” Sister Song, September 5, 2023, <https://www.sistersong.net/join-us>.