



# United Nations Human Rights Council (UNHRC)

## Topic 3: *The right to bodily autonomy and integrity*

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### 1. Definition of key terms

**Bodily autonomy:** An individual’s right to self-determination regarding their body. It includes the right to make decisions about one’s own body, life, and future without being subjected to coercion or violence.

**Body integrity:** The inviolability of the physical body, emphasizing the importance of personal autonomy, self-ownership, and self-determination, ensuring personal security and dignity.

**Universal Declaration of Human Rights (UDHR):** The first international agreement on the basic principles of human rights, outlining the rights and freedoms to which everyone is entitled.

**Abortion:** The deliberate medical procedure used to terminate a human pregnancy, most often performed during the first 28 weeks.

**Roe v. Wade:** A landmark decision of the US Supreme Court in which the Court ruled that the Constitution of the United States protected the right to abortion.

**Dobbs v. Jackson Women’s Health Organization:** A landmark decision of the US Supreme Court that overturned *Roe v. Wade*, stating that the Constitution of the United States does not confer a right to abortion.

**Gender reassignment:** The process (typically involving a combination of surgical procedures and hormone treatment) undertaken by a transgender person to alter their physical sexual characteristics to align with their gender identity.

**Female genital mutilation (FGM):** The practice of partially or totally removing the external genitalia of girls and young women for non-medical reasons.

**Euthanasia:** The intentional and painless ending of a person's life to alleviate suffering from a terminal illness or severe pain.

## 2. Introduction

The concepts of bodily autonomy and integrity lie at the heart of fundamental liberties such as self-determination, equality, and freedom of choice. The ability of individuals to make informed and autonomous decisions about their bodies is deeply tied to their rights to dignity, non-discrimination, privacy, access to standard healthcare services, and more.

Although these principles are safeguarded by the **Universal Declaration of Human Rights** adopted by the United Nations General Assembly in 1948, recent years have seen the emergence of policies that undermine these essential concepts, posing a significant threat to human integrity.

This issue is multifaceted and affects diverse communities. A key area of concern in this debate is the right to abortion, recently brought back into focus by the United States Supreme Court's decision to overturn *Roe v. Wade* (1973) in *Dobbs v. Jackson Women's Health Organization* (2022).

Additionally, this topic encompasses issues such as forced genital surgery for the gender reassignment of intersex and transgender individuals, the practice of female genital mutilation (FGM) and male circumcision in certain religious communities, euthanasia and assisted suicide, the decriminalization of prostitution, and the promotion of sex workers' rights.

Thus, it is imperative for the international community to address this issue collectively and comprehensively to ensure equal rights for all individuals.

## 3. Background information

One of the main reasons why conversations on the "Right to Bodily Autonomy" remain relevant is the heated debates between pro-choice and pro-life supporters concerning reproductive rights and abortion. The right to bodily autonomy and integrity suggests that every human being should be able to make decisions about their reproductive intentions in a safe and supportive environment. However, approximately 20 countries worldwide, even in regions with otherwise supportive profiles, prohibit any kind of termination of pregnancy for any reason.

National policies vary significantly from country to country. For example, abortion on request is unrestricted in some countries, such as Canada, Russia, and those in the EU region. However, in most countries, the applicant must meet specific requirements to proceed, such as:

- To save the life of the pregnant person,
- To protect physical health when the pregnancy risks significant injury,
- To protect mental health,
- When the pregnancy is the result of rape or incest,
- When the pregnant person is mentally or cognitively disabled,

- When the foetus is known to have significant mental disabilities or physical malformations (often requiring more granular guidelines),
- When the pregnancy causes significant socioeconomic challenges and the individual is financially unable to support the child.

While some of these criteria may seem progressive, they still impose restrictions that limit freedoms derived from the right to bodily autonomy. Moreover, the failure to provide women with access to legal and safe abortions often results in unsafe procedures that endanger women's health and lives. Experts from the World Health Organization (WHO) remind us that unsafe abortion is a leading cause of maternal mortality. They advocate for the removal of punitive measures against women who undergo abortion and for the legalization of abortion at least in cases of rape, threats to the life or health of the pregnant person, or severe foetal impairment. They emphasize that safe and legal access to abortion is an extension of individuals' bodily autonomy and reproductive rights.

The concept of bodily autonomy is also crucial for trans people, who face discrimination in the form of mandatory, forced, and oppressive requirements for gender recognition. In 13 countries, trans people live under laws that criminalize them, subjecting them to prison sentences, corporal punishments, and even the death penalty. On the other hand, recent reports indicate that nearly 100 countries have processes allowing trans people to change their gender legally. However, only 25 of these countries lack "prohibitive requirements." Such requirements often include psychological consultation, cross-hormonal treatment, sterilization (leading to infertility), and gender reassignment surgery (GRS) in its various forms, such as facial surgeries, chest/breast and genital surgeries, or hysterectomies.

Not all trans people wish to undergo, or are able to afford, such measures. Gender reassignment is often a challenging, stressful, painful, time-consuming, and costly process. Some individuals do not intend to undergo medical treatment but wish to permanently identify with a gender different from the one assigned at birth. Movements advocating for gender justice and bodily integrity emphasize that people of all genders should have the freedom to make decisions about their bodies and futures and to self-determine their gender identity.

Furthermore, the stigma associated with the sex industry remains a significant issue worldwide. Discrimination against sex workers is comparable to that faced by other marginalized groups due to race, religion, gender, and more. The social stigma around sex work stems from structural beliefs about appropriate sexuality and traditional family structures. The sex industry disproportionately comprises minority groups, such as women, immigrants, and LGBTQIA+ individuals, who have historically faced discrimination.

This stigma, combined with the criminalization of sex work in many states, makes sex workers vulnerable to violence, abuse, exploitation, human trafficking, and an inability to seek justice for crimes committed against them. The criminalization of consensual sex, including the commercial exchange of sexual services, contradicts the principles of bodily autonomy and integrity, as it restricts sex workers' ability to make safe and independent decisions about their bodies. Without legal representation, sex workers cannot protect their Sexual and Reproductive Health and Rights (SRHR) in the workplace. Decriminalizing sex work would not only enhance legal protections but also enable governments to regulate and create safer working environments for sex workers.

Cultural and religious norms also significantly impact bodily autonomy. In many Islamic countries, women have no choice about how they dress, highlighting an intersection between bodily

autonomy and freedom of expression. Bodily autonomy means having the right to choose how one dresses and expresses oneself. Similarly, in some Jewish communities, infant males undergo circumcision by parental decision, depriving them of the ability to make this choice when they reach an age of informed consent.

Female genital mutilation (FGM) is a particularly egregious violation of bodily rights. It is a form of extreme violence aimed at controlling women's sexuality, bodies, and reproductive rights. While families and communities often cite cultural and religious reasons for FGM, the primary intent is to reduce women's sexual desire and confidence. For example, in some African communities, clitoridectomies are still performed on girls to ensure their "purity" until marriage.

In the Middle East, the norm of multiple wives can also be described as modern sex slavery, as Muslim women often lack autonomy over their bodies. Marital rape, though increasingly recognized as a human rights violation, remains unpunished in some countries. Shockingly, in certain jurisdictions, a man who rapes a woman can escape penalties if he marries her. These examples demonstrate the pervasive violation of bodily autonomy and integrity, where individuals are deprived of the right to make decisions about their bodies.

Respect for bodily autonomy is also a key argument in favour of physician-assisted suicide and euthanasia. However, debates about end-of-life care persist. Opponents of legalization argue that while euthanasia allows patients to die at their own choosing, the act is implemented by a physician, effectively constituting murder. In contrast, proponents argue that if a patient is competent to decide, no one else should have the authority to determine whether their life is worth continuing. This debate raises profound philosophical and ethical questions.

Some countries have legalized euthanasia but require strict criteria to be met, such as ensuring the patient's autonomy and the physician's benevolent intent. Advances in technology may soon introduce innovations like suicide pods, which eliminate the active participation of a physician, allowing individuals to die painlessly and quickly.

#### 4. Major countries involved

- **The USA:** The USA has been a focal point in the debate over reproductive rights, particularly regarding access to abortion. From 1973 to 2022, the US Supreme Court decisions in *Roe v. Wade* (1973) and *Planned Parenthood v. Casey* (1992) established and upheld federal protections for a pregnant woman's right to abortion, ensuring that states could not ban abortion prior to foetal viability. However, in 2022, the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* overturned *Roe v. Wade*, ruling that the Constitution does not confer a right to abortion. This has resulted in significant state-level restrictions or bans. Issues related to gender identity and the right to transition are also critical in the US, with some states passing laws restricting transgender rights, particularly regarding healthcare and participation in sports.

- **Canada:** Canada legalized abortion in 1988 through the *R v. Morgentaler* decision, and it remains unrestricted. The country is considered a leader in reproductive rights, upholding the principle of bodily autonomy. Moreover, Canada has progressive laws around gender identity, including protections against discrimination and the right for individuals to change their legal gender markers. Canada also legalized medical assistance in dying (MAiD) in 2016 for adults with serious and incurable conditions who are suffering intolerably. The law has evolved, and the eligibility criteria have been expanded.

- **The EU:** Several EU countries have robust protections for bodily autonomy, including reproductive rights, gender equality, and healthcare access. Abortion is legal in many EU countries, though the laws and time limits vary. Poland has become a focal point for discussions on bodily autonomy due to its stringent abortion laws, which only allow the procedure in cases of rape, incest, or severe foetal abnormality. In contrast, Ireland legalized abortion in 2018, permitting it up to 12 weeks and under broader circumstances later in pregnancy. The Netherlands and Belgium were the first countries to legalize euthanasia in 2002. Additionally, the Netherlands has legalized and regulated prostitution; sex workers are entitled to the same labour rights as other workers, and brothels are licensed and inspected by the government.

- **African Countries:** Countries such as Somalia, Egypt, Mali, and Nigeria are deeply involved in the discussion around bodily autonomy and integrity, particularly on the issue of female genital mutilation (FGM). Despite laws prohibiting FGM, the practice persists in many regions due to deeply rooted cultural and social norms.

- **Argentina:** Argentina is a leader in gender recognition laws, having passed a Gender Identity Law in 2012. This law allows individuals to change their gender identity on official documents without requiring surgery or judicial approval.

## 5. UN involvement and previous attempts to solve the issue

The United Nations has played a crucial role in promoting and safeguarding the right to bodily autonomy and integrity. Key initiatives include the adoption of international treaties such as:

- **CEDAW** (Convention on the Elimination of All Forms of Discrimination Against Women), which calls for the protection of women's rights.
- **CRC** (Convention on the Rights of the Child), which seeks to protect children's rights.

Specialized agencies such as **UNFPA** (United Nations Population Fund), **UN Women** (United Nations Entity for Gender Equality and the Empowerment of Women), and **OHCHR** (Office of the United Nations High Commissioner for Human Rights) have launched global campaigns to raise awareness and implement policies protecting individuals from violations of bodily autonomy.

## 6. Official documents and treaties about the issue

1. The **Universal Declaration of Human Rights (UDHR)**, ratified on 10 December 1948, laid the foundation of international human rights law. It was the first universal statement on the basic principles of human rights law, creating a common standard of achievement for all people and all nations:  
<https://www.un.org/en/about-us/universal-declaration-of-human-rights>
2. The **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, adopted on 18 December 1979 by the United Nations General Assembly, defines what constitutes discrimination against women and simultaneously outlines an agenda for national and international action:  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

3. The **United Nations Convention on the Rights of the Child (CRC)**, adopted on 20 November 1989 by the United Nations General Assembly, is an international human rights treaty that defines the civil, political, economic, social, health, and cultural rights of children:  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>
4. The **International Covenant on Civil and Political Rights (ICCPR)**, adopted on 16 December 1966 by the United Nations General Assembly, is a fundamental document in the protection of human rights. Article 7 prohibits torture, inhuman or degrading treatment or punishment, and ensures that no one is subjected to medical or scientific experimentation without their free consent:  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
5. The **Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)**, adopted on 10 December 1984 by the United Nations General Assembly, is an international human rights instrument that mandates a global prohibition on torture and creates a mechanism to monitor governments and hold them to account. Furthermore, this document defines what is meant by the term torture:  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>
6. **Human Rights Council A/HRC/RES/44/16**, adopted on 17 July 2020, addresses the issue of female genital mutilation. It urges states to prohibit the practice, protect at-risk women and girls, and develop national action plans for prevention:  
<https://documents.un.org/doc/undoc/gen/g20/190/82/pdf/g2019082.pdf>
7. **Human Rights Council A/HRC/RES/40/5**, adopted on 21 March 2019, marks the first discussion by the UNHRC regarding bodily autonomy in the context of discriminatory practices against women and girls in sports:  
<https://documents.un.org/doc/undoc/gen/g19/098/67/pdf/g1909867.pdf>

## 7. Useful links

- <https://www.ohchr.org/en/hrbodies/hrc/home>
- <https://indicators.ohchr.org/>
- <https://reproductiverights.org/>
- <https://reproductiverights.org/maps/worlds-abortion-laws/>
- <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
- <https://transrightsmap.tgeu.org/home/>
- <https://www.wecf.org/wp-content/uploads/2019/10/Sub-group-SRHR-of-sex-workers.pdf>
- [https://eige.europa.eu/gender-based-violence/female-genital-mutilation?language\\_content\\_entity=en](https://eige.europa.eu/gender-based-violence/female-genital-mutilation?language_content_entity=en)

## 8. Bibliography

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- <https://arasa.info/wp-content/uploads/2022/02/TALP-Module-1-BAI-.pdf>
- <https://www.amnesty.org/en/what-we-do/universal-declaration-of-human-rights/>
- <https://www.unwomen.org/en/digital-library/publications/2016/12/cedaw-for-youth#:~:text=The%20Convention%20on%20the%20Elimination,women's%20and%20girls'%20equal%20rights.>
- <https://www.coe.int/en/web/compass/convention-on-the-rights-of-the-child#:~:text=The%20Convention%20on%20the%20Rights,children%20into%20one%20single%20document.>
- <https://www.coe.int/en/web/compass/the-international-covenant-on-civil-and-political-rights>
- <https://www.amnestyusa.org/blog/top-10-things-you-wanted-to-know-about-uncat-but-were-afraid-to-ask/>
- <https://www.amnesty.org/en/what-we-do/sexual-and-reproductive-rights/>
- <file:///C:/Users/nicol/Downloads/2.-HRC-B-TOPIC-AREA-STUDY-GUIDE-THESSISMUN2023.pdf>
- <https://reproductiverights.org/case/scotus-mississippi-abortion-ban/>
- <https://reproductiverights.org/european-abortion-law-comparative-overview->
- <https://www.reuters.com/world/europe/abortion-laws-europe-2024-04-15/>
- [https://commission.europa.eu/aid-development-cooperation-fundamental-rights/your-fundamental-rights-eu/know-your-rights/dignity/right-integrity-person\\_en](https://commission.europa.eu/aid-development-cooperation-fundamental-rights/your-fundamental-rights-eu/know-your-rights/dignity/right-integrity-person_en)
- <https://www.gov.uk/government/speeches/we-must-respect-the-bodily-autonomy-of-women-and-girls-throughout-their-lives-cross-regional-joint-statement-at-the-un-third-committee>