



## **U.S. Human Rights Violations in the Areas of Detention of Immigrant Children and Access to Abortion**

Submission to the United Nations in the context of the  
**Universal Periodic Review of the United States of America**

Third Cycle  
Thirty Sixth Session of the UPR  
Human Rights Council  
April-May 2020

Submitted by:  
**Santa Clara University - International Human Rights Clinic (SCU-IHRC)**

Prepared by:  
**Melina Moss-Vazquez**, Law Student  
**Katherine Mirassou**, Law Student  
**Brittany Ricketts**, Law Student  
**Francisco J. Rivera Juaristi**, Director

500 El Camino Real  
Santa Clara, CA 95053-0424, U.S.A.  
Tel: +1 (408) 554-4770  
[IHRC@scu.edu](mailto:IHRC@scu.edu)  
<http://law.scu.edu/ihrc/>

**October 3, 2019**

The **International Human Rights Clinic at Santa Clara University School of Law**, established in 2012, offers students the opportunity to gain professional experience by working on litigation, advocacy and policy projects in the area of international human rights law, particularly in the United States and Latin America. The information presented here has been collected through the clinic's open-source research and personal interviews.

## **I. Summary**

1. Since its last UPR process in 2015, the U.S. has adopted regressive measures in the areas of **(1) detention of immigrant children** and **(2) access to abortion**.

2. In the area of immigration, aggressive policies have resulted in the detention and separation of more than 2,700 children from their parents, and at least seven children have either died in custody or after being detained by federal immigration agencies at the border. The indefinite detention of immigrant children and forced family separation is torture and violates immigrant children's rights to life, movement, and health. The US needs to ensure that immigrant children are not deprived of liberty, except as a measure of last resort and for the shortest appropriate period of time.

3. During the previous UPR, the U.S. received numerous recommendations in order to secure the rights of women to access abortion, and the U.S. has failed to accept any of these recommendations. Instead, the U.S. has further violated a woman's human right to an abortion by implementing new and more restrictive state and federal laws. Through these actions, the U.S. violates women's right to life and to health, reproductive health, and family planning; the right to freedom of speech and free association; the right to be free from discrimination; and the right to be free from cruel, inhuman, and degrading treatment. The U.S. should adopt measures necessary to guarantee the right to an abortion and to allow assistance to foreign States to support safe abortion services.

## **II. Indefinite Detention of Immigrant Children and Forced Family Separation is Torture Resulting in Children's Death, Illness, and Trauma**

4. The Trump administration has enacted a series of aggressive "zero tolerance" immigration policies that have resulted in human rights violations of family separation and prolonged detention of children.<sup>1</sup> The administration has moved to abolish a court decision (the Flores Settlement Agreement of 1997), which mandates a 20 day limit and basic standard of care for the detention of migrant children, and replace it with a new rule that would allow for the indefinite detention of immigrant families who illegally cross the border.<sup>2</sup> The President rationalizes the indefinite detention will serve as a deterrent to other immigrants and asylum seekers.<sup>3</sup> These policies are being challenged in court.<sup>4</sup>

5. Amnesty International describes this immigration detention system as "a purgatory of legal limbo where the core American value of due process does not apply."<sup>5</sup> Additionally, the Women's Refugee Commission has stated that the Trump administration is "intentionally harming children," and the American Civil Liberties Union called the new indefinite detention proposal "yet another cruel attack on children."<sup>6</sup>

**A. The Trump administration's zero tolerance policy on immigration, which subsequently resulted in forced family separation, has resulted in torture and violates the ICCPR and CAT, including immigrant children's rights to life, movement, and health**

6. The U.S. government is in violation of ICCPR and CAT by intentionally inflicting severe mental suffering upon immigrant children and their families for the purpose of deterring future illegal immigration and punishing current offenders.

7. Torture and cruel, inhuman, or degrading treatment or punishment are prohibited under Article 7 of the ICCPR and Articles 1.1 and 2 of CAT, both of which have been ratified by the U.S. Pursuant to Article 1(1) of CAT, torture amounts to “any act by which severe [...] suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as [...] punishing him for an act he or a third person has committed [...], or intimidating [...] him or a third person, or for any reason based on discrimination of any kind, when such [...] suffering is inflicted [...] at the instigation of [...] a public official [...].”<sup>7</sup>

8. The U.S. has separated more than 2,700 immigrant children from their parents to prosecute the adults in criminal courts for crossing the border illegally.<sup>8</sup> According to government experts, children who are experiencing forced separation and detention exhibit symptoms of trauma and increased risk of health issues.<sup>9</sup> These adverse childhood experiences cause developmentally detrimental consequences which can ultimately create a “weak foundation for later learning, behavior, and health.”<sup>10</sup> A report conducted by the inspector general's office in the U.S. Department of Health and Human services stated, “these children, many already distressed in their home countries or by their journey, showed more fear, feelings of abandonment and post-traumatic stress symptoms than children who were not separated.”<sup>11</sup> Prolonged detention of immigrant children will lead them to “experience toxic stress —intense, repetitive or prolonged adversity without an adult's intervention — a situation that's usually seen when a child is placed in an orphanage, survives a natural disaster or lives in poverty, a war zone or a refugee camp.”<sup>12</sup>

9. Advocates who have firsthand experience visiting these children described the conditions of detention as “nightmarish.”<sup>13</sup> They describe what children must endure as “condoned torture” techniques.<sup>14</sup> Children in immigrant detention facilities are held in cages under inhumane conditions.<sup>15</sup> According to the American Civil Liberties Union, “[c]hildren are being asked to use the restroom on piles of feces. One woman . . . described her child who kept throwing up, and trying to use the restroom, and throwing up . . . it's really horrifying.”<sup>16</sup> Detainees are then transferred to “the Icebox,” facilities intentionally kept very cold as a deterrent, similar to those used by law enforcement for purposes of interrogation, without any access to blankets.<sup>17</sup> In recent months, at least seven children have either died in custody or after being detained by federal immigration agencies at the border.<sup>18</sup>

10. Therefore, the U.S. government is in violation of the ICCPR and CAT through its intentional infliction of severe mental suffering upon immigrant children.

### **B. Past recommendations and U.S. government inaction**

11. The U.S. has received previous recommendations from the UPR and from the Special Rapporteur on the Human Rights of Migrants to release all families with children from the detention centers and place them in alternative accommodations.<sup>19</sup> In addition, U.N. High Commissioner for Human Rights Michelle Bachelet has stated, “children should never be held in immigration detention centers, and should never be separated from their families.”<sup>20</sup> Furthermore, according to High Commissioner Bachelet, several U.N. bodies concluded separating children from their families was deemed cruel and inhumane treatment, therefore the Trump administration was in violation of international law.<sup>21</sup>

12. The Trump administration has ignored these recommendations from the U.N. Special Rapporteur and the U.N. High Commissioner for Human Rights. The U.S. has instead moved to roll back safeguards for detained immigrant children and families.

### **C. Recommendations**

13. The U.S. should implement humane policies where parents and children are kept together and then released to community-based sponsors.<sup>22</sup> Additionally, the U.S. must ensure that immigrant children are not deprived of liberty, except as a measure of last resort and for the shortest appropriate period of time, taking into account their best interests as a primary consideration with regard to the duration and conditions of detention, and also taking into account the extreme vulnerability and need for care of unaccompanied minors.

## **III. The U.S. Has Restricted and Criminalized Access to Abortion Which Violates its Human Rights Obligations**

14. The 1973 U.S. Supreme Court decision in *Roe v. Wade* legalized abortion in the country. Despite this, the U.S. has implemented policies that directly restrict access to abortion by criminalizing receiving and performing an abortion and by limiting funding to organizations that help women access abortion and information about abortion.

15. These actions by the U.S. directly oppose the recommendations they received in their last UPR as well as violate several human rights recognized in treaties the U.S. has ratified<sup>23</sup>, including a women’s right to life and to health, reproductive health, and family planning; the right to freedom of speech and free association; the right to be free from discrimination; and the right to be free from cruel, inhuman, and degrading treatment.

## **A. U.S. federal and local state actions that restrict access to abortion violate human rights obligations**

16. Notwithstanding the system of federalism in the U.S., which divides governing power between the federal government and the individual states, general principles of international law establish that treaty obligations are binding on all government actors, including state and local officials in federalist forms of government.<sup>24</sup> Therefore, the U.S. as a single entity is internationally responsible for all federal and local state actions which restrict access to abortion and thereby violate women's human rights.

### **i. U.S. federal policies restrict access to abortion**

#### ***a. The Global Gag Rule (GGR) expanded by the U.S. government in January 2019 violates the right to freedom of speech and free association under the ICCPR***

17. The ICCPR guarantees freedom of speech under Article 19 and free association under Article 22.<sup>25</sup> Freedom of speech includes the “freedom to seek, receive, and impart information and ideas of all kinds.”<sup>26</sup> This includes a state's obligation to “refrain from interference with the provision of information by private parties” as well as “to provide complete and accurate information necessary for the protection and promotion of rights, including the right to health.”<sup>27</sup> The Human Rights Committee has also called on states to help ensure the public access to information on legal abortion.<sup>28</sup>

18. The Global Gag Rule (GGR) bans foreign NGOs from receiving U.S. global health funding if they provide counseling, referrals, services or advocate for safe abortion — even if they do so with private funds.<sup>29</sup> The restrictions enforced by the U.S. under the GGR violate the right to freedom of speech because the GGR restricts the information that NGOs are allowed to disseminate and that women are able to receive.<sup>30</sup>

19. The U.S. also has the duty to uphold the right to free association under Article 22 of the ICCPR.<sup>31</sup> This includes the right of NGOs to carry out all the activities of the association, such as the right to secure funding.<sup>32</sup> In restricting NGOs' ability to secure funding under the GGR, the U.S. violates the right to free association.

#### ***b. The Hyde Amendment passed by the U.S. legislature violates the right to be free from discrimination under the ICCPR and CERD***

20. CERD and ICCPR prohibit discrimination.<sup>33</sup> Stemming from these obligations, states have a positive obligation “to ensure that health information and services are made available to all individuals, including marginalized and excluded groups.”<sup>34</sup> This includes “making sure that even the poorest person . . . can access reproductive health care.”<sup>35</sup>

21. The CEDAW Committee has also specified that “it is discriminatory for a State party to refuse to legally provide for the performance of certain reproductive health services for women.”<sup>36</sup> According to OHCHR, a woman’s right to control her reproductive health and fertility, such as through access to abortion, “may be considered a fundamental key that opens up women’s capacity to enjoy other human rights.”<sup>37</sup>

22. In the U.S., the Hyde Amendment blocks federal funding, including Medicaid funding, for abortion services.<sup>38</sup> Restricting federal funding for abortion services is especially detrimental to people of color, young people, immigrants, and people with low incomes because these groups disproportionately rely on Medicaid for their health care coverage.<sup>39</sup> In addition, failing to provide funding for services that are needed only by women is a form of gender discrimination.<sup>40</sup>

23. By blocking federal funding for abortion services and disproportionately denying women of color, immigrants, and people of low income from accessing abortion, the U.S. violates the right to be free from discrimination under CERD and under Article 4 and 26 of the ICCPR.<sup>41</sup>

***c. The U.S. has violated the right to life under the ICCPR by passing the Helms Amendment, and by refusing to clarify its interpretation to allow for exceptions in cases of rape, incest, or endangerment of the mother***

24. Article 6 of the ICCPR states that “[e]very human being has the inherent right to life.”<sup>42</sup> The HRC emphasizes that the right to life is not to be understood narrowly<sup>43</sup> and that it “concerns the entitlement of individuals to be free from acts and omissions that are intended or may be expected to cause their unnatural or premature death, as well as to enjoy a life with dignity.”<sup>44</sup> Specifically, the HRC remarks that “States parties should not introduce new barriers and should remove existing barriers that deny effective access by women and girls to safe and legal abortion.”<sup>45</sup> The HRC has also expressed concern over restrictive abortion laws and their connection to unsafe abortions and maternal mortality,<sup>46</sup> implicating the threat of restrictive abortion laws to the right to life.

25. The Helms Amendment is an amendment to the Foreign Assistance Act, enacted by Congress in 1973, which bans the use of U.S. foreign assistance funds for abortion.<sup>47</sup> The amendment was written to apply only to funding for “abortion as a method of family planning,”<sup>48</sup> but it has been implemented as a ban without exceptions, even in cases of rape, incest, or if a woman’s life is endangered by the pregnancy.<sup>49</sup>

26. When abortion access is limited or impossible due to restrictive laws and lack of funding, women are more likely to suffer injury or death because they will seek abortions in unsafe conditions.<sup>50</sup>

27. U.S. implementation of the Helms Amendment and its failure to clarify interpretation to allow for funding for access to abortion for women abroad who are the victims of rape or incest or whose lives are endangered by the pregnancy results in women dying or being gravely injured because of an unsafe abortion.<sup>51</sup> In this way, the U.S. violates women's right to life under the ICCPR.<sup>52</sup>

ii. U.S. local state legislation restricts access to and criminalizes abortion

28. The U.S. has failed to protect and guarantee the human rights of women by allowing individual states to pass legislation that restricts access to abortion and criminalizes those seeking and performing abortions.

29. CAT provides that every human being has the right to be free from cruel, inhuman, or degrading treatment.<sup>53</sup> The Committee against Torture has acknowledged that laws which restrict abortion are a danger to women's lives and health and that this constitutes cruel and inhuman treatment.<sup>54</sup> The Human Rights Committee also found a State's failure to allow a 17-year old girl from receiving an abortion for an unwanted pregnancy resulted in depression and emotional distress and constituted a violation of her right to be free from cruel, inhuman, or degrading treatment.<sup>55</sup>

30. Despite domestic and international law establishing the right for woman to access abortion, several states within the U.S. continue to adopt laws that are increasingly restrictive.<sup>56</sup> Many of the laws that have been implemented criminalize receiving or providing an abortion.<sup>57</sup> For example, in May 2019, Alabama enacted a near-full ban with no exceptions for rape or incest.<sup>58</sup> This made both receiving and performing the procedure a felony. Missouri passed a similar law in August 2019, which constituted a ban on abortion after eight weeks and doctors performing the procedure could face 15 years in prison.<sup>59</sup> This law also has no exceptions for cases of rape, incest, or human trafficking.

31. Denying women access to abortion and forcing them to carry pregnancies to term, even in cases of rape, incest, or human trafficking, causes physical and mental suffering and can lead to long-lasting psychological problems, severe anguish, and risk of suicide.<sup>60</sup> The U.S. has violated a person's right to be free from cruel, inhuman, or degrading treatment under the CAT by criminalizing abortion via state legislation.<sup>61</sup>

32. In spite of federal law declaring the legality of the act, and international law emphasizing the human right to access abortion, the U.S. violates women's right to life and to health, reproductive health, and family planning; the right to freedom of speech and free association; the right to be free from discrimination; and the right to be free from cruel, inhuman, and degrading treatment by enacting state and federal policies restricting access to safe abortion.

## **B. Past recommendations and U.S. government inaction**

33. In 2015, during the previous UPR, the U.S. received numerous recommendations in order to secure the rights of women to access abortion, and the U.S. has failed to accept any of these recommendations.<sup>62</sup> Instead, the U.S. has further violated a woman's human right to an abortion by implementing new and more restrictive state and federal laws.<sup>63</sup> In addition, the U.S. has recently joined other countries with poor human rights records to reinterpret and rewrite international documents to erase mentions of "sexual and reproductive health," seeking to further undercut a women's human right to access abortion and to receive adequate healthcare.<sup>64</sup>

## **C. Recommendations**

34. The U.S. should allow assistance to foreign States to support safe abortion services. This should apply as a minimum in the cases of rape, incest and life endangerment, as is also permitted by existing U.S. federal law.<sup>65</sup>

35. The U.S. should adopt legislation to codify the right to abortion in the U.S.

---

<sup>1</sup> Congressional Research Service, *The Trump Administration's "Zero Tolerance" Immigration Enforcement Policy* (February 2019), <https://fas.org/sgp/crs/homesec/R45266.pdf>

<sup>2</sup> New York Times, *Migrant Families Would Face Indefinite Detention Under New Trump Rule* (August 21, 2019), <https://www.nytimes.com/2019/08/21/us/politics/flores-migrant-family-detention.html?action=click&module=RelatedLinks&pgtype=Article>

<sup>3</sup> *Id.*

<sup>4</sup> New York Times, *Judge Blocks Trump Administration Plan to Detain Migrant Children* (September 27, 2019) <https://www.nytimes.com/2019/09/27/us/migrant-children-flores-court.html?auth=login-google&login=google>

<sup>5</sup> Amnesty International, *The Nightmarish Detention of U.S. Immigrants* (2019) <https://www.amnestyusa.org/the-nightmarish-detention-of-us-immigrants/>

<sup>6</sup> American Civil Liberties Union, *Immigrant Kids Keep Dying in CBP Detention Centers, and DHS Won't Take Accountability*, (June 24, 2019), <https://www.aclu.org/blog/immigrants-rights/immigrants-rights-and-detention/immigrant-kids-keep-dying-cbp-detention>

<sup>7</sup> Convention Against Torture, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>. International Human Rights Clinic, Santa Clara University School of Law, *Suggestions for List of Issues Prior to Reporting Regarding the United States of America*, 14 January 2019, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT\\_CCPR\\_ICJ\\_USA\\_33414\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_ICJ_USA_33414_E.pdf)

<sup>8</sup> Washington Post, *Trump administration moves to terminate court agreement, hold migrant children and parents longer*, (August 21, 2019) <https://www.washingtonpost.com/immigration/trump-administration-moves-to-terminate->



---

[court-agreement-hold-migrant-children-and-parents-longer/2019/08/21/c268bb44-c28b-11e9-9986-1fb3e4397be4\\_story.html](https://www.cdc.gov/cdc-agreement-hold-migrant-children-and-parents-longer/2019/08/21/c268bb44-c28b-11e9-9986-1fb3e4397be4_story.html)

<sup>9</sup> Center for Disease Control (“CDC”), *About the CDC-Kaiser ACE Study*, National Center for Injury Prevention and Control, (last updated June 14, 2016), <https://www.cdc.gov/violenceprevention/acestudy/about.html>. International Human Rights Clinic, Santa Clara University School of Law, *Suggestions for List of Issues Prior to Reporting Regarding the United States of America*, 14 January 2019, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT\\_CCPR\\_ICA\\_USA\\_33414\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_ICA_USA_33414_E.pdf)

<sup>10</sup> Jack P. Shonkoff & Andrew S. Garner, *Lifelong Effects of Early Childhood Adversity and Toxic Stress*, J. of Amer. Academy of Pediatrics, 129:1, (Jan. 2012), <http://pediatrics.aappublications.org/content/129/1/e232.long>. International Human Rights Clinic, Santa Clara University School of Law, *Suggestions for List of Issues Prior to Reporting Regarding the United States of America*, 14 January 2019, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT\\_CCPR\\_ICA\\_USA\\_33414\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_ICA_USA_33414_E.pdf)

<sup>11</sup> Jack P. Shonkoff & Andrew S. Garner, *Lifelong Effects of Early Childhood Adversity and Toxic Stress*, J. of Amer. Academy of Pediatrics, 129:1, (Jan. 2012), <http://pediatrics.aappublications.org/content/129/1/e232.long>. International Human Rights Clinic, Santa Clara University School of Law, *Suggestions for List of Issues Prior to Reporting Regarding the United States of America*, 14 January 2019, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT\\_CCPR\\_ICA\\_USA\\_33414\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_ICA_USA_33414_E.pdf)

<sup>12</sup> Laura Santhanam, *How the Toxic Stress of Family Separation Can Harm a Child*, Jun. 18, 2018, <https://www.pbs.org/newshour/health/how-the-toxic-stress-of-family-separation-can-harm-a-child>.

<sup>13</sup> Amnesty International, *The Nightmarish Detention of U.S. Immigrants* (2019) <https://www.amnestyusa.org/the-nightmarish-detention-of-us-immigrants/>

<sup>14</sup> International Human Rights Clinic, Santa Clara University School of Law, *Suggestions for List of Issues Prior to Reporting Regarding the United States of America*, (January 14, 2019) [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT\\_CCPR\\_ICA\\_USA\\_33414\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_ICA_USA_33414_E.pdf)

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> American Civil Liberties Union, *Immigrant Kids Keep Dying in CBP Detention Centers, and DHS Won’t Take Accountability*, (June 24, 2019), <https://www.aclu.org/blog/immigrants-rights/immigrants-rights-and-detention/immigrant-kids-keep-dying-cbp-detention>

<sup>19</sup> Human Rights Council, 16th Sess., Rep. of the Working Group on the Universal Periodic Review: United States, ¶72, U.N. Doc A/HRC/16/11 (Jan. 4, 2011) [hereinafter “U.S. UPR Report 2011”] [http://www.un.org/ga/search/view\\_doc.asp?symbol=A%2FHRC%2F16%2F11&Submit=Search&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A%2FHRC%2F16%2F11&Submit=Search&Lang=E). International Human Rights Clinic, Santa Clara University School of Law, *Suggestions for List of Issues Prior to Reporting Regarding the United States of America*, 14 January 2019, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT\\_CCPR\\_ICA\\_USA\\_33414\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_ICA_USA_33414_E.pdf)

<sup>20</sup> Nick Cumming-Bruce, *U.N. Rights Head ‘Shocked’ By Treatment of Migrant Children at U.S. Border*, July 2019, <https://www.nytimes.com/2019/07/08/world/americas/michelle-bachelet-unhcr-migrants-border.html>

<sup>21</sup> *Id.*

---

<sup>22</sup> Amnesty International, *Kids Deserve Safety and Freedom, Not Jail!*, Oct. 24, 2018, <https://act.amnestyusa.org/page/32656/action/1?locale=en-US>. International Human Rights Clinic, Santa Clara University School of Law, *Suggestions for List of Issues Prior to Reporting Regarding the United States of America*, 14 January 2019, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT\\_CCPR\\_ICJ\\_USA\\_33414\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_ICJ_USA_33414_E.pdf)

<sup>23</sup> The U.S. has ratified the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the International Convention on the Elimination of all forms of Racial Discrimination (CERD). See Office of the High Commissioner of Human Rights, *Ratification Status for the United States of America*, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=187&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=187&Lang=EN).

<sup>24</sup> Rivera Juaristi, Francisco J. "U.S. Exceptionalism and the Strengthening Process of the Inter-American Human Rights System." Human Rights Brief 20, no. 2 (2013): 19-25.

<sup>25</sup> International Covenant on Civil and Political Rights arts. 19, 22.

<sup>26</sup> International Covenant on Civil and Political Rights art. 19(3).

<sup>27</sup> See ICESCR, art. 2(2). See also CESCR General Comment No. 14 on the right to the highest attainable standard of health (2000).

<sup>28</sup> See HRC concluding observations on Colombia, UN Doc. CCPR/C/COL/CO/7 (2016); Burkina Faso, UN Doc. CCPR/C/BFA/CO/1 (2016); and Ireland, UN Doc. CCPR/C/IRL/CO/4 (2014).

<sup>29</sup> Global Justice Center, *US Abortion Restrictions on Foreign Aid and their Impact of Free Speech and Free Association* (March 2018).

<sup>30</sup> *Id.*

<sup>31</sup> International Covenant on Civil and Political Rights art. 22.

<sup>32</sup> 2013 Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, ¶ 8. [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39\\_EN.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39_EN.pdf).

<sup>33</sup> International Convention on the Elimination of All Forms of Racial Discrimination art. 1.; See also International Covenant on Civil and Political Rights arts. 4, 26.

<sup>34</sup> OHCHR, The UN Population Fund, and The Danish Institute for Human Rights, *Reproductive Rights are Human Rights*, page 78. <https://www.ohchr.org/Documents/Publications/NHRIHandbook.pdfhttps://www.ohchr.org/Documents/Publications/NHRIHandbook.pdf>.

<sup>35</sup> *Id.*

<sup>36</sup> OHCHR, *Information Series on Sexual and Reproductive Health and Rights: Abortion* [https://www.ohchr.org/Documents/Issues/Women/WRGS/SexualHealth/INFO\\_Abortion\\_WEB.pdf](https://www.ohchr.org/Documents/Issues/Women/WRGS/SexualHealth/INFO_Abortion_WEB.pdf).

<sup>37</sup> OHCHR, The UN Population Fund, and The Danish Institute for Human Rights, *Reproductive Rights are Human Rights*, page 78.

---

<https://www.ohchr.org/Documents/Publications/NHRIHandbook.pdf><https://www.ohchr.org/Documents/Publications/NHRIHandbook.pdf>.

<sup>38</sup> S.142 – Hyde Amendment Codification Act 113th Congress (2013-2014).

<sup>39</sup> Kaiser Family Foundation, *Women's Health Insurance Coverage* (December 2018) <http://files.kff.org/attachment/fact-sheet-womens-health-insurance-coverage>.

<sup>40</sup> OHCHR, *Information Series on Sexual and Reproductive Health and Rights: Abortion* [https://www.ohchr.org/Documents/Issues/Women/WRGS/SexualHealth/INFO\\_Abortion\\_WEB.pdf](https://www.ohchr.org/Documents/Issues/Women/WRGS/SexualHealth/INFO_Abortion_WEB.pdf).

<sup>41</sup> International Convention on the Elimination of All Forms of Racial Discrimination art. 1; International Covenant on Civil and Political Rights arts. 4, 26.

<sup>42</sup> International Covenant on Civil and Political Rights art. 6.

<sup>43</sup> HRC, General Comment 36, article 6 (36th session, 2018), para. 3.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at para. 8.

<sup>46</sup> See, e.g., the HRC's concluding observations on Bolivia, U.N. Doc. CCPR/C/79/Add.74 (1997), para. 22; Cameroon, U.N. Doc. CCPR/C/79/Add.116 (1999), para. 13; Chile, U.N. Doc. CCPR/C/79/Add.104 (1999), para. 15; Colombia, U.N. Doc. CCPR/CO/80/COL (2004), para. 13.

<sup>47</sup> H.R.3362 - Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018, Sec. 7018, <https://www.congress.gov/bill/115th-congress/house-bill/3362>.

<sup>48</sup> *Id.*

<sup>49</sup> PAI. (2015). *No Exceptions: How the Helms Amendment Hurts Women and Endangers Lives*. <https://pai.org/wp-content/uploads/2014/07/PAI-Helms-PIB.pdf> (2015).

<sup>50</sup> Guttmacher, *Abortion Worldwide 2017: Uneven Progress and Unequal Access*, Page 10 (2017).

<sup>51</sup> Every year between 5% and 13% of maternal deaths globally can be attributed to unsafe abortion and almost every one of these could have been prevented by access to a safe induced abortion. Additionally, nearly 7 million women globally are admitted to the hospital every year because of attempting an unsafe abortion due to lack of access to a safe option. WHO, *Preventing Unsafe Abortion* (June 2019), <https://www.who.int/news-room/fact-sheets/detail/preventing-unsafe-abortion>.

<sup>52</sup> International Covenant on Civil and Political Rights art. 6.

<sup>53</sup> The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

<sup>54</sup> CAT Committee, Concluding Observations: Peru, para. 23, U.N. Doc. CAT/C/PER/CO/4 (2006).

<sup>55</sup> *K.L. v. Peru*, para. 6.3. (2005).

---

<sup>56</sup> “[B]etween 2011 and 2017, states adopted 401 abortion restrictions — approximately one-third of the total 1,193 state abortion restrictions adopted since the 1973 *Roe v. Wade* decision.” Jacobs, Institute of Women’s Health, GWU: *Public Health of State Level Abortion Restrictions*, Page 5 (2018),

[https://publichealth.gwu.edu/sites/default/files/downloads/projects/JIWH/Impacts\\_of\\_State\\_Abortion\\_Restrictions.pdf](https://publichealth.gwu.edu/sites/default/files/downloads/projects/JIWH/Impacts_of_State_Abortion_Restrictions.pdf).

<sup>57</sup> Guttmacher Institute, *Overview of Abortion Laws* (August 2019), <https://www.guttmacher.org/state-policy/explore/overview-abortion-laws>.

<sup>58</sup> New York Times, *Alabama Governor Signs Abortion Bill. Here’s What Comes Next* (May 15, 2019), <https://www.nytimes.com/2019/05/15/us/alabama-abortion-facts-law-bill.html>.

<sup>59</sup> New York Times, *Missouri Governor Signs Bill Outlawing Abortion After 8 Weeks* (May 24, 2019), <https://www.nytimes.com/2019/05/24/us/missouri-abortion-law.html>.

<sup>60</sup> Human Rights Watch, *Human Rights Law and Access to Abortion* (April 2018), [https://www.hrw.org/news/2017/07/24/qa-human-rights-law-and-access-abortion#\\_Right\\_to\\_be](https://www.hrw.org/news/2017/07/24/qa-human-rights-law-and-access-abortion#_Right_to_be).

<sup>61</sup> The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; see also CAT Committee, Concluding Observations: Peru, para. 23, U.N. Doc. CAT/C/PER/CO/4 (2006); see also *K.L. v. Peru*, para. 6.3. (2005).

<sup>62</sup> UPR Database of Recommendations, [https://www.upr-info.org/database/index.php?limit=0&f\\_SUR=186&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](https://www.upr-info.org/database/index.php?limit=0&f_SUR=186&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly) (Accessed September 2019).

<sup>63</sup> Guttmacher, *Overview of Abortion Laws* (August 2019), <https://www.guttmacher.org/state-policy/explore/overview-abortion-laws>.

<sup>64</sup> Washington Post, *U.S. joins 19 nations, including Saudi Arabia and Russia: ‘There is no international right to an abortion’* (Sept. 24, 2019).

<https://www.washingtonpost.com/health/2019/09/24/us-joins-nations-including-saudi-arabia-russia-there-is-no-international-right-an-abortion/>.

<sup>65</sup> UPR 2nd Cycle, Belgium Recommendations to U.S. (2015); see also UPR 2nd Cycle Netherlands Recommendations to U.S. (2015); see also UPR 2nd Cycle United Kingdom Recommendations to U.S. (2015); see also UPR 2nd Cycle Norway Recommendations to U.S. (2015).