

116TH CONGRESS
1ST SESSION

S. _____

To amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices a section on reproductive rights, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices a section on reproductive rights, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reproductive Rights
5 are Human Rights Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The United States has joined the inter-
2 national community in identifying reproductive
3 rights as human rights, including in connection with
4 the 1994 International Conference on Population
5 and Development, the 1995 Beijing World Con-
6 ference on Women, and through its ratification of
7 the International Covenant on Civil and Political
8 Rights (ICCPR).

9 (2) General comment No. 36 (2018) on article
10 6 of the ICCPR, which was adopted by the Human
11 Rights Committee at its October to November 2018
12 session, states that under Article 6 of the ICCPR,
13 State parties have a duty to ensure that all persons
14 have the right to receive—

15 (A) evidence-based information and edu-
16 cation about sexual and reproductive health,
17 and access to a range of affordable contracep-
18 tive methods;

19 (B) safe, legal, and effective access to
20 abortion where the life and health of the preg-
21 nant woman or girl is at risk, or where carrying
22 a pregnancy to term would cause the pregnant
23 woman or girl substantial pain or suffering, no-
24 tably where pregnancy is the result of rape or

1 incest or is not viable; and, access to quality
2 prenatal and post-abortion health care; and

3 (C) access by women and girls to safe
4 abortion without the imposition of restrictions,
5 which subject them to physical or mental pain
6 or suffering, or which discriminate or arbi-
7 trarily interfere with their privacy, or place
8 them at risk of undertaking unsafe abortions.

9 (3) The Department of State's deletion of the
10 reproductive rights subsection from its 2017 Coun-
11 try Reports on Human Rights Practices dem-
12 onstrates an alarming level of politicization of
13 human rights by the Trump Administration and un-
14 dermines the human rights of women around the
15 world.

16 (4) When women's reproductive rights are lim-
17 ited, so are their pathways to economic, social, and
18 political empowerment.

19 (5) Sexual health and reproductive rights are
20 essential for sustainable economic development, are
21 intrinsically linked to gender equality and women's
22 well-being, and are critical to maternal, newborn,
23 child, adolescent, family, and community health.

1 **SEC. 3. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS**
2 **PRACTICES.**

3 (a) IN GENERAL.—The Foreign Assistance Act of
4 1961 is amended—

5 (1) in section 116(d) (22 U.S.C. 2151n(d))—

6 (A) in paragraph (11)(C), by striking
7 “and” at the end;

8 (B) in paragraph (12)(C)(ii), by striking
9 the period at the end and inserting “; and”;
10 and

11 (C) by adding at the end the following new
12 paragraph:

13 “(13) the status of reproductive rights in each
14 country, including—

15 “(A) whether such country has adopted
16 and enforced policies to—

17 “(i) promote access to and prevalence
18 of, safe, effective, and affordable methods
19 of contraception and comprehensive and
20 accurate family planning information;

21 “(ii) promote access to appropriate
22 health care services to prevent maternal
23 deaths and ensure safe and healthy preg-
24 nancy and childbirth;

25 “(iii) expand or restrict access to safe
26 abortion services, including post-abortion

1 care, in accordance with the country's
2 laws; and

3 “(iv) promote the prevention, detec-
4 tion, and treatment of sexually transmitted
5 infections, including HIV, and of reproduc-
6 tive tract infections and of reproductive
7 cancers;

8 “(B) a description of the rates and causes
9 of maternal deaths in such country, including
10 deaths due to unsafe abortions, where applica-
11 ble;

12 “(C) a description of the nature and extent
13 of instances of discrimination, coercion, and vio-
14 lence against women and girls in health care
15 settings in such country, and the actions, if
16 any, taken by the government of such country
17 to respond to such discrimination, coercion, and
18 violence, where applicable; and

19 “(D) wherever applicable, a description of
20 the proportion of women of reproductive age
21 (aged 15-49 years) who use modern methods of
22 family planning, the barriers to access, and the
23 nature and extent of instances of denial of com-
24 prehensive and accurate family planning infor-
25 mation and services in such country, and the

1 actions, if any, taken by the government of such
2 country to respond to such denials.”; and

3 (2) in section 502B (22 U.S.C. 2304)—

4 (A) by redesignating the second subsection
5 (i) (relating to child marriage status) as sub-
6 section (j); and

7 (B) by adding at the end the following new
8 subsection:

9 “(k) The report required under subsection (b) shall
10 include the status of reproductive rights in each country,
11 including—

12 “(1) whether such country has adopted and en-
13 forced policies to—

14 “(A) promote access to and prevalence of
15 safe, effective, and affordable methods of con-
16 traception and comprehensive and accurate
17 family planning information;

18 “(B) promote access to appropriate health
19 care services to prevent maternal deaths and
20 ensure safe and healthy pregnancy and child-
21 birth;

22 “(C) expand or restrict access to safe abor-
23 tion services, including post-abortion care, in
24 accordance with the country’s laws; and

1 “(D) promote the prevention, detection,
2 and treatment of sexually transmitted infec-
3 tions, including HIV, and of reproductive tract
4 infections and of reproductive cancers;

5 “(2) a description of the rates and causes of
6 maternal deaths in such country, including deaths
7 due to unsafe abortions, where applicable;

8 “(3) a description of the nature and extent of
9 discrimination, coercion, and violence against women
10 and girls in health care settings in such country, and
11 the actions, if any, taken by the government of such
12 country to respond to such discrimination, coercion,
13 and violence, where applicable; and

14 “(4) wherever applicable, a description of the
15 proportion of women of reproductive age (aged 15-
16 49 years) who use modern methods of family plan-
17 ning, the barriers to access, and the nature and ex-
18 tent of instances of denial of comprehensive and ac-
19 curate family planning information and services in
20 such country, and the actions, if any, taken by the
21 government of such country to respond to such deni-
22 als.”.

23 (b) CONSULTATION REQUIRED.—In preparing the
24 Annual Country Reports on Human Rights Practices re-
25 quired under sections 116(d) and 502B of the Foreign As-

1 sistance Act of 1961 (as amended by subsection (a)), the
2 Secretary of State, the Assistant Secretary of State for
3 Democracy, Human Rights, and Labor, and other relevant
4 officials, including human rights officers at United States
5 diplomatic and consular posts, shall consult with—

6 (1) representatives of United States civil society
7 and multilateral organizations with demonstrated ex-
8 perience and expertise in sexual and reproductive
9 health and rights or promoting women and girls'
10 human rights, including local civil society organiza-
11 tions whenever possible; and

12 (2) relevant, local, non-governmental organiza-
13 tions in all countries included in such Reports, in-
14 cluding women and girls' organizations focused on
15 sexual and reproductive health and rights.