

116TH CONGRESS  
1ST SESSION

# S. 707

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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 7, 2019

Mr. MENENDEZ (for himself, Mrs. SHAHEEN, Mr. BLUMENTHAL, Mr. CARDIN, Ms. HASSAN, Mrs. GILLIBRAND, Ms. WARREN, Mr. WYDEN, Mr. MARKEY, Ms. BALDWIN, Mr. VAN HOLLEN, Mr. LEAHY, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mr. MERKLEY, Ms. SMITH, Mr. BROWN, Mr. WHITEHOUSE, Mr. REED, Mr. COONS, Mr. DURBIN, Ms. HARRIS, Ms. HIRONO, Ms. DUCKWORTH, Mrs. MURRAY, Mr. BOOKER, Mr. MURPHY, Ms. ROSEN, Mr. KAINE, Ms. STABENOW, and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## 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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

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

21 (B) safe, legal, and effective access to  
22 abortion where the life and health of the preg-  
23 nant woman or girl is at risk, or where carrying  
24 a pregnancy to term would cause the pregnant  
25 woman or girl substantial pain or suffering, no-  
26 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 have their need for  
22 family planning satisfied with modern methods,  
23 the barriers to access, and the nature and ex-  
24 tent of instances of denial of comprehensive and  
25 accurate family planning information and serv-

1           ices in such country, and the actions, if any,  
 2           taken by the government of such country to re-  
 3           spond to such denials.”; and

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

5                 (A) by redesignating the second subsection

6                 (i) (relating to child marriage status) as sub-  
 7                 section (j); and

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

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

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

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

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

23                 “(C) expand or restrict access to safe abor-  
 24                 tion services, including post-abortion care, in  
 25                 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 have their need for family planning  
17          satisfied with modern methods, the barriers to ac-  
18          cess, and the nature and extent of instances of de-  
19          nial of comprehensive and accurate family planning  
20          information and services in such country, and the  
21          actions, if any, taken by the government of such  
22          country to respond to such denials.”.

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.

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