

115TH CONGRESS 2D SESSION

H. R. 7228

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 HOUSE OF REPRESENTATIVES

DECEMBER 10, 2018

Ms. Clark of Massachusetts (for herself, Mrs. Lowey, Mr. Engel, Ms. Lee, Ms. Frankel of Florida, Ms. Wasserman Schultz, Ms. Clarke of New York, Mr. Moulton, Mr. Connolly, Ms. Meng, Mr. Carbajal, Mr. Hastings, Ms. Norton, Mr. McNerney, Mr. Ruppersberger, Mr. Cohen, Ms. Wilson of Florida, Mr. Cicilline, Mr. Payne, Ms. McCollum, Mr. Johnson of Georgia, Ms. Delauro, Ms. Titus, Ms. Kuster of New Hampshire, Mr. Castro of Texas, Mr. Kildee, Mr. Sean Patrick Maloney of New York, Mr. Defazio, Mr. Danny K. Davis of Illinois, Mr. Quigley, Mrs. Lawrence, Mr. McGovern, Mr. Pallone, Mrs. Napolitano, Miss Rice of New York, Ms. Schakowsky, Ms. Lofgren, Mrs. Carolyn B. Maloney of New York, Mr. Espaillat, Ms. Degette, Mr. Kennedy, Mr. Doggett, Mr. Sherman, Ms. Judy Chu of California, Ms. Speier, and Mr. Pocan) introduced the following bill; which was referred to the Committee on Foreign Affairs

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,

1 SECTION 1. SHORT TITLE.

- This Act may be cited as the "Reproductive Rights
- 3 are Human Rights Act of 2018".

4 SEC. 2. FINDINGS.

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5 Congress finds the following:

ference on Women.

- (1) The United States has repeatedly agreed to international agreements that identify reproductive rights as human rights, including in connection with the 1994 International Conference on Population and Development and the 1995 Beijing World Con-
 - (2) The Department of State's deletion of the reproductive rights subsection from its 2017 Country Reports on Human Rights Practices demonstrates an alarming level of politicization of human rights by the Trump Administration and undermines the human rights of women around the world.
 - (3) Restrictions on reproductive rights compromise entire health systems and communities, as when women's rights are limited, so are their pathways to economic, social, and political empowerment.
 - (4) Sexual health and reproductive rights are essential for sustainable economic development, are intrinsically linked to gender equality and women's

1	well-being, and are critical to maternal, newborn,
2	child, adolescent, family, and community health.
3	SEC. 3. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS
4	PRACTICES.
5	(a) In General.—The Foreign Assistance Act of
6	1961 is amended—
7	(1) in section 116(d) (22 U.S.C. 2151n(d))—
8	(A) in paragraph (11)(C), by striking
9	"and" at the end;
10	(B) in paragraph (12)(C)(ii), by striking
11	the period at the end and inserting "; and";
12	and
13	(C) by adding at the end the following new
14	paragraph:
15	"(13) the status of reproductive rights in each
16	country (as defined in the 1994 International Con-
17	ference on Population and Development Programme
18	of Action, reiterated in the 1995 Beijing Declaration
19	and Platform for Action, and expanded upon in Gen-
20	eral comment No. 36 (2018) on article 6 of the
21	International Covenant on Civil and Political Rights,
22	on the right to life and other authoritative interpre-
23	tations of binding international human rights obliga-
24	tions), including—

1	"(A) whether such country has adopted
2	policies to—
3	"(i) promote access to and prevalence
4	of safe, effective, and affordable methods
5	of contraception;
6	"(ii) promote access to appropriate
7	health care services to ensure safe and
8	healthy pregnancy and childbirth, including
9	safe and effective prenatal, childbirth, and
10	postnatal care for both mother and child;
11	"(iii) expand or restrict access to safe
12	abortion services, in accordance with such
13	country's laws, including post-abortion
14	$\operatorname{care};$
15	"(iv) prevent maternal deaths; and
16	"(v) promote the prevention, detec-
17	tion, and treatment of sexually transmitted
18	infections, including HIV, and of reproduc-
19	tive tract infections and of reproductive
20	cancers;
21	"(B) information relating to the adequacy
22	of resources, enforcement, and oversight in such
23	country dedicated to the policies specified in
24	subparagraph (A);

1	"(C) wherever applicable, a description of
2	the rates and causes of maternal deaths in such
3	country, including deaths due to unsafe abor-
4	tions;
5	"(D) wherever applicable, a description of
6	the nature and extent of instances of discrimi-
7	nation, coercion, and violence against women
8	and girls in health care settings in such coun-
9	try, and the actions, if any, taken by the gov-
10	ernment of such country to respond to such dis-
11	crimination, coercion, and violence; and
12	"(E) wherever applicable, a description of
13	the nature and extent of instances of denial of
14	comprehensive and accurate family planning in-
15	formation and services in such country, and the
16	actions, if any, taken by the government of such
17	country to respond to such denials."; and
18	(2) in section 502B (22 U.S.C. 2304)—
19	(A) by redesignating the second subsection
20	(i) (relating to child marriage status) as sub-
21	section (j); and
22	(B) by adding at the end the following new
23	subsection:
24	"(k) The report required under subsection (b) shall
25	include the status of reproductive rights in each country

1	(as defined in the 1994 International Conference on Popu-
2	lation and Development Programme of Action, reiterated
3	in the 1995 Beijing Declaration and Platform for Action
4	and expanded upon in General comment No. 36 (2018)
5	on article 6 of the International Covenant on Civil and
6	Political Rights, on the right to life and other authori-
7	tative interpretations of binding international human
8	rights obligations), including—
9	"(1) whether such country has adopted policies
10	to—
11	"(A) promote access to and prevalence of
12	safe, effective, and affordable methods of con-
13	traception;
14	"(B) promote access to appropriate health
15	care services to ensure safe and healthy preg-
16	nancy and childbirth, including safe and effec-
17	tive prenatal, childbirth, and postnatal care for
18	both mother and child;
19	"(C) expand or restrict access to safe abor-
20	tion services, in accordance with such country's
21	laws, including post-abortion care;
22	"(D) prevent maternal deaths; and
23	"(E) promote the prevention, detection
24	and treatment of sexually transmitted infec-

- tions, including HIV, and of reproductive tract infections and of reproductive cancers;
- "(2) information relating to the adequacy of resources, enforcement, and oversight of such country dedicated to the policies specified in paragraph (1);
 - "(3) wherever applicable, a description of the rates and causes of maternal deaths in such country, including deaths due to unsafe abortions;
 - "(4) wherever applicable, a description of the nature and extent of instances of discrimination, coercion, and violence against women and girls in health care settings in such country, and the actions, if any, taken by the government of such country to respond to such discrimination, coercion, and violence; and
 - "(5) wherever applicable, a description of the nature and extent of instances of denial of comprehensive and accurate family planning information and services in such country, and the actions, if any, taken by the government of such country to respond to such denials.".
- 22 (b) Consultation Required.—In preparing the 23 Annual Country Reports on Human Rights Practices re-24 quired under sections 116(d) and 502B of the Foreign As-25 sistance Act of 1961 (as amended by subsection (a)), the

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- 1 Secretary of State, the Assistant Secretary of State for
- 2 Democracy, Human Rights, and Labor, and other relevant
- 3 officials, including human rights officers at United States
- 4 diplomatic and consular posts shall consult with—
- 5 (1) representatives of United States civil society
 6 and multilateral organizations with demonstrated ex7 perience and expertise in sexual and reproductive
 8 health and rights or promoting women and girls'
 9 human rights, including local civil society organiza10 tions whenever possible; and
 - (2) local organizations in all countries included in such Reports, including women and girls' organizations focused on sexual and reproductive health and rights.

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