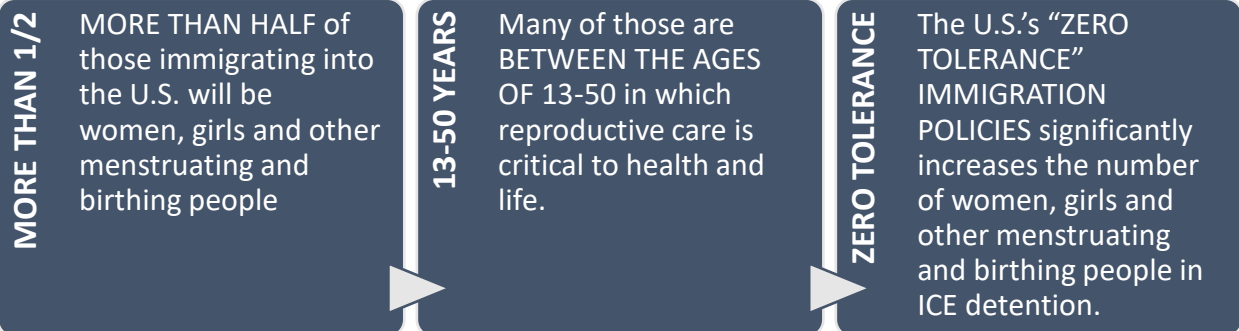


# MOTHERHOOD, MENSTRUATION AND SEXUAL VIOLENCE AT THE US-MEXICO BORDER:

## Women's Rights Violations in U.S. Immigration Detention

*The US-Mexico border has become ground zero for human rights violations. With over 50% of these immigrants being comprised of women and children, there is a disproportionate number of women in immigration detention. Migrant women attempting to cross the border are subject to human rights abuses including rape at the hands of border officials, period shame and lack of access to menstrual materials and lack of healthcare for abortion, childbirth and pre and post-natal care.*



### WHILE THE U.S. HAS A DUTY TO PROVIDE HUMANE DETENTION CONDITIONS WOMEN, GIRLS AND OTHER MENSTRUATING PEOPLE IN IMMIGRATION DETENTION EXPERIENCE:

- A LACK OF ACCESS TO MENSTRUAL HYGIENE MATERIALS AND SANITARY CONDITIONS RELATED TO MENSTRUATION
- A LACK OF ACCESS TO REPRODUCTIVE CARE (INCLUDING CHILD-BIRTH, PRE-POST NATAL CARE AND ABORTION RELATED INFORMATION AND SERVICES)
- INCREASED VULNERABILITY TO SEXUAL VIOLENCE PERPETRATED BY IMMIGRATION OFFICIALS WITHOUT ACCOUNTABILITY

### THE UNITED NATIONS RECONGNIZES THAT:

WOMEN AND GIRLS ARE PARTICULARLY VULNERABLE TO HUMAN RIGHTS VIOLATIONS. This recognition is codified in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other focused efforts to address gender inequality. *Article 12 specifically references the importance of women's access to health-related information and services.*

REFUGEES AND MIGRANTS ARE A POPULATION AT GREAT RISK OF MASS HUMAN RIGHTS VIOLATIONS The international community reinforced commitment to the human rights of all refugees and migrants, regardless of status, in the *The New York Declaration for Refugees and Migrants*. This includes commitments to prevent and respond to sexual and gender-based violence.

WOMEN AND GIRLS IN DETENTION SETTINGS ARE TARGETED FOR SEXUAL VIOLENCE AND THREATENED BY INHUMANE CONDITIONS. The U.N. has the *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders* requiring member states to keep women out of detention settings, but if detained, provide appropriate health care, treat women humanely and protect them from violence. The Special Rapporteur also noted the high rates of sexual violence perpetrated against women in detention settings, by officials, and recommended enforcing accountability on these perpetrators.

For more information on these issues please contact Denice Labertew, J.D. at [womenleadchange@gmail.com](mailto:womenleadchange@gmail.com) or go to [www.womenleadnetwork.org](http://www.womenleadnetwork.org) or reference the report "Motherhood, Menstruation and Sexual Violence at the U.S.-Mexico Border: Women's Rights Violations in U.S. Immigration Detention" at [www.upr2020.org](http://www.upr2020.org)

## **THE UNITED STATES IS NOT LIVING UP TO ITS HUMAN RIGHTS OBLIGATIONS TO PROVIDE:**

***Access to Reproductive Health Care for Detained Migrant Women, Girls and other Menstruating and Birthing People.*** Inadequate health care, including gynecological care and increased stress due to poor conditions are thought to play a role in the increasing number of pregnancy complications being reported while in custody of Immigration and Customs Enforcement. Additionally, officials blocked access to abortion for a 17-year old immigrant detainee by refusing to allow her transport to a facility providing abortions.

***Humane Detention Conditions for Migrant Women, Girls and Other Menstruating People by Denying them Access to Menstrual Hygiene Materials.*** 16 states in the U.S. who filed suit on behalf of immigrant detainees, presented an investigators affidavit that reported menstruating girls left to “visibly bleed” through their pants. Only one sanitary pad per day was provided and they were not allowed to access shower or private toilet facilities. Lack of access to menstrual hygiene materials has been recognized by Human Rights Watch, the United Nations Population Fund and other human rights organizations as a violation of the rights of menstruating people around the world and has been linked to various types of gender inequality.

***Protection from Sexual Violence for Women and Girls who are in Immigration Detention.*** A Honduran migrant (E.D.) with a 3-year old son was sexually assaulted by an employee of her immigration detention facility. Although the perpetrator has pled guilty to institutional sexual assault, the U.S. government refuses to acknowledge its responsibility for her protection because she wasn’t in “prison”, even though U.S. law protects detainees from such abuse.

### **Questions for the United States during Universal Periodic Review 2020:**

*When does the United States intend to join with global efforts to protect women and girls by ratifying the Convention on the Elimination of Discrimination Against All Women (CEDAW), as well as other instruments protecting vulnerable people?*

*What policies and practices does the U.S. intend to institute to ensure that women, girls and other menstruating and birthing individuals in immigration detention, have access to a full range of reproductive health options, including pre and post-natal care, abortion related information and services and menstrual hygiene materials?*

*What immediate steps will be taken to protect women and girls in immigration detention from abuse by immigration officials and other staff, and ensure accountability for those abuses when they occur?*

### **Recommendations:**

**Promptly ratify the Convention on the Elimination of All Forms of Discrimination Against Women and other core human rights conventions protecting the rights of women and migrants.**

**Repeal the Hyde Amendment and adopt policies that would ensure women, and other individuals, in detention settings receive appropriate level of reproductive health care, including pre and post natal care, abortion related information and services and access to menstrual hygiene materials.**

**Ensure statutory language, policies and practices protecting prisoners from sexual abuse include specific reference to the protection of immigration detainees and make explicit institutional accountability for anyone under the control of Immigration Control and Enforcement who abuse or sexually harass detainees.**

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