



# THE FEMINIST AND WOMEN'S MOVEMENT ACTION PLAN

*Look at the World Through Women's Eyes*

#MyBeijing25

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#FemMove

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## US NGO/civil society Parallel Report 2020

Prepared for Beijing + 25

*(We commit to)...Ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms; (Beijing Platform for Action Declaration, para 9, 1995)*

### Introduction

In 1995, the United States was a world champion for women's human rights, reflected in Hillary Clinton's announcement that "Women's rights are human rights, and human rights are women's rights." However, years later a growing backlash resulting in the election of President Trump has meant numerous setbacks for gender equality and women's human rights, particularly related to bodily integrity and sexual and reproductive health. While these have serious negative impacts on the political, social, economic, and cultural status of women and girls, the feminist and social movements of resistance are resolute and making progress. These are taking shape in many communities, cities and states despite the powers in Washington D.C. and courts that may be stacked against them. In 2020, the 25<sup>th</sup> anniversary of the UN Fourth World Conference on Women held in Beijing presents an opportunity for the feminist and women's movement in the U.S. to unite with feminists around the world in achieving our common goal of gender equality.

This report outlines the progress and setbacks over the past five years across the six thematic areas of the NGO Parallel Report Guidelines and addresses questions on gender equality in the United States.<sup>1</sup> It also discusses the

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<sup>1</sup> This report was prepared by a team that included Jessica Pierson, Rick Smith, and Soon-Young Yoon in consultation with Jenni Prisk. It was written in the spirit of the Feminist and Women's Movement Action Plan, putting women's human rights at the center of the issues. The views do not necessarily reflect the fwMAP co-drivers, fwMAP as a whole or organisations associated with the writers.

backlash to progress on gender equality as well as the swell of positive social action to meet it head on. This report concludes with several recommendations for the U.S. to improve on its implementation of gender equality.

The report will first examine each thematic area that addresses areas of concern from the Beijing Platform for Action (BPfA), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) articles, and the Sustainable Development Goals. The U.S. has made progress in the areas of paid work and employment with more women climbing the ranks to higher positions and new laws aimed at protecting female employees from harassment and gendered discrimination. However, women still take on disproportionate responsibility for unpaid caregiving in the U.S. and a gender pay gap and discrimination in hiring practices persists. The U.S. has also seen progress in the area of participation, accountability and gender-responsive institutions, with the election of a record number of women to public office and the adoption of important legislation to combat discrimination based on sexual orientation and gender identity. However, there have been significant setbacks in the area of health outcomes especially for women and girls, with life expectancy for women decreasing, an increase in depression concentrated among girls, maternal mortality of black women four times higher than that of white women, and an onslaught of abortion restrictions.

Moreover, according to gender experts, the U.S. is among the top ten most dangerous countries for women and girls due to a variety of threats beginning with the high prevalence of sexual violence and lack of recourse for legal help. In addition, the U.S.' inaction on gun violence also presents severe consequences for women in the U.S., where on average fifty-two women are shot and killed every month by an intimate partner. The Trump administration is also reframing human rights in the image of extreme Christian conservatism, to the detriment of LGBTQI persons and women. It has incited white supremacy by attacking female immigrant groups and limiting voting rights for minorities. The government has rolled back environmental protections and pulled out of the Paris Climate Agreement which only serves to enhance the increase on all types of violence against women due to the climate crisis.

In this negative political environment, the feminist and women's movement in the U.S. is nevertheless strong—perhaps even strengthened—by a clear articulation by anti-feminists at the highest levels. Women—particularly women of color—are leading resistance movements such as the “MeToo” movement, Black Lives Matter, the Women's March, the teachers' strikes, the Climate Strike and the Green New Deal. Young people are fighting back against inaction on climate change and gun violence. Cities are stepping up to protect immigrants, women's rights, and the environment. Progressives have achieved victories in the courts on abortion and LGBTQI rights. The blue wave of progressives, especially progressive women, elected to public office have brought legislation that protects reproductive freedom at the state level. In private and public sectors, the “Me Too” movement is shaking up the status quo and challenging age-old sexual harassment in the work place.

## **Inclusive Development, Shared Prosperity and Decent Work**

*Equal rights, opportunities and access to resources, equal sharing of responsibilities for the family by men and women, and a harmonious partnership between them are critical to their well-being and that of their families as well as to the consolidation of democracy; (Beijing Platform for Action, para 14, 1995)*

### Women's Role in Paid Work and Employment

In the past five years, significant gains have been achieved for women in the workplace, but more progress is needed. Two-earner households are now the norm. In perhaps one of the biggest shifts of the past 50 years, married

mothers are entering the work force in ever-greater numbers. Women, in general, followed a similar pattern.<sup>2</sup> An analysis by the nonprofit Washington Center for Equitable Growth found that from 1979 to 2018, middle-income families' incomes rose. Over the same 39 years, the average American woman experienced a 21 percent increase in annual working hours.<sup>3</sup> Most of the earnings gains among families in this period can be traced directly to working women as they accounted for three-quarters of the rise in income among middle-class families (in) at that time.<sup>4</sup> The analysis concluded that many families would have seen their income drop precipitously over the past few decades if it had not been for women going to work.<sup>5</sup>

Women are now also climbing the ranks of corporate hierarchy. For instance, all S&P 500 companies now have at least one female board member, with 27% of all board seats filled by women, up from 17% in 2013.<sup>6</sup> However, women hold just 5% of CEO roles at S&P 500 companies.<sup>7</sup> A 2016 survey by Marcus Noland and colleagues at the Peterson Institute for International Economics found that for profitable firms, a move from no female leaders to 30% representation was associated with a 15% increase in the net revenue margin.<sup>8</sup>

As women climb the corporate ladder, American men still typically earn more than women.<sup>9</sup> This pay gap ultimately becomes a poverty gap (aggravates the feminization of poverty) as women make up two-thirds of the workers in low wage jobs and are still paid a federal minimum wage of \$7.25 that has not increased in a decade.<sup>10</sup> This compensation falls short of what it takes to live above the poverty line.<sup>11</sup> More than half of the women in these jobs are women of color.<sup>12</sup> Nationally, gendered pay inequities have become a focal point for discussions, especially with the recognition that women of color earn 61 cents for each dollar paid to a white, non-Hispanic male.<sup>13</sup> These pay disparities vary by state. Moreover, while some states are moving to increase the minimum wages, others show

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<sup>2</sup> Tara Siegel Bernard and Karl Russell, "The Middle-Class Crunch: A Look at 4 Family Budgets," *The New York Times*, October 3, 2019, sec. Your Money, <https://www.nytimes.com/interactive/2019/10/03/your-money/middle-class-income.html>.

<sup>3</sup> Bernard and Russell.

<sup>4</sup> Bernard and Russell.

<sup>5</sup> Bernard and Russell.

<sup>6</sup> Laura Forman, "For Women in Business, It's All About Critical Mass," *Wall Street Journal*, August 14, 2019, sec. Markets, <https://www.wsj.com/articles/women-in-business-shouldnt-fly-solo-11565780402>.

<sup>7</sup> Forman.

<sup>8</sup> Marcus Noland, Tyler Moran, and Barbara Kotschwar, "Is Gender Diversity Profitable? Evidence from a Global Survey" (Peterson Institute for International Economics, February 2016), [https://www.piie.com/system/files/documents/wp16-3.pdf?mod=article\\_inline](https://www.piie.com/system/files/documents/wp16-3.pdf?mod=article_inline).

<sup>9</sup> Joel McFarland et al., "The Condition of Education 2019" (U.S. Department of Education, May 2019).

<sup>10</sup> "Minimum Wage for Women: Raising The Federal Minimum Wage," NWLC, accessed October 30, 2019, <https://nwlc.org/issue/minimum-wage/>.

<sup>11</sup> "Minimum Wage for Women."

<sup>12</sup> "Minimum Wage for Women."

<sup>13</sup> Amanda Rossie Barroso, "The Wage Gap for Women of Color Widened in 2017," *NWLC* (blog), September 17, 2018, <https://nwlc.org/blog/the-wage-gap-for-women-of-color-widened-in-2017/>.

little progress. For instance, Louisiana ranks worst in the country in gender pay equity. In the city of New Orleans, for example women of color are making 48 cents for every dollar earned by their male counter-parts.<sup>14</sup>

Indeed, patterns of discrimination in hiring and pay in many of the leading industries also contribute to the persistence of racial and gender inequalities. Pay inequities are also a violation of Article 23 of the Universal Declaration on Human Rights on equal pay for equal work. These inequities translate into disparate possibilities for the enjoyment of many human rights as outline in CEDAW and the Beijing Platform for Action. Other legal guarantees such as rest and leisure (UDHR Article 24), adequate standard of living for health and well-being (UDHR Article 25), education (UDHR Article 26), and the right to freely participate in the cultural life of the community (UDHR Article 27) need to be protected.<sup>15</sup>

Recognizing, Reducing and/or Redistributing Unpaid Care and Domestic Work and Promoting  
Work-Family Conciliation

Women take on disproportionate responsibility for unpaid caregiving in the U.S. Unpredictable and volatile work schedules in low-wage jobs can make it impossible for working women to make ends meet and care for their families, particularly where only inadequate or expensive options exist for child care.<sup>16</sup> Childcare costs have increased over time for children under the age of 6 who are not yet enrolled in kindergarten. In 2016, the average hourly out-of-pocket expense for families of children in center-based care was 72 percent higher than in 2001. The expense for families of children in non-relative care was 48 percent higher than in 2001. And the expense for families of children in relative care was 79 percent higher than in 2001. This financial hardship is especially true for female heads of households living in poverty.<sup>17</sup>

## Poverty Eradication, Social Protection and Social Service

*Reproductive health (therefore) implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice (Beijing Platform for Action, para 94, 1995)*

### Health Outcomes for Women and Girls

#### *Women's Mortality*

U.S. life expectancy began to lose pace with other countries in the 1980s<sup>18</sup> and, by 1998, had declined to a

<sup>14</sup> Mayor's Office of Human Rights and Equity, "United Nations Periodic Review 2019 Stakeholder Report City of New Orleans," 2019, op. 6.

<sup>15</sup> U.S. Human Rights Cities Alliance & Cities UPR Working Group-U.S. Human and Rights Network (USHRN), "Submission to the United Nations Universal Periodic Review of United States of America Third Cycle-36th Session of the UPR," May 2020, 7.

<sup>16</sup> Katherine Gallagher Robbins, "Putting a Value on Caregiving," NWLC (blog), November 13, 2014, <https://nwlc.org/blog/putting-value-caregiving/>.

<sup>17</sup> 2019 Kids Count Data Book US State Trends in Child Well Being The Annie E Casey Foundation, 2019. 15, 25, 42

<sup>18</sup> Steven H. Woolf and Heidi Schoemaker, "Life Expectancy and Mortality Rates in the United States, 1959-2017," *MAEdJAMA* 322, no. 20 (November 26, 2019): 1996 citing Crimmins EM, Preston SH, Cohen B, eds. National Research Council and Committee on Population.

level below the average life expectancy among Organization for Economic Cooperation and Development countries.<sup>19</sup> While life expectancy in these countries has continued to increase,<sup>20</sup> U.S. life expectancy peaked in 2010 and has been decreasing since 2014.<sup>21</sup> Despite vast expenditures on health care, (considerably above those of other countries)<sup>22</sup> the United States has a health disadvantage relative to other high-income countries that goes far beyond life expectancy to include higher rates of disease and cause-specific mortality rates.<sup>23</sup> If the slow rate of increase in U.S. life expectancy persists, it will take the United States more than a century to reach the average life expectancy that other high-income countries had achieved by 2016.<sup>24</sup>

For certain major causes of death, there is a pronounced female disadvantage. For example, between 1999 and 2017, the relative increase in midlife fatal drug overdoses was 485.8% among women and 1.4 times higher than among men.<sup>25</sup> For cause of death by suicide, women experienced a larger relative increase of 1.5 times higher than men.<sup>26</sup> The relative increase in midlife mortality among women is 3.4 times higher for alcoholic liver disease.<sup>27</sup> Women aged 45 to 64 years old experience a slightly larger relative increase in mortality than men of their age.<sup>28</sup> This is consistent with reports elsewhere of gender-specific influences on mortality and a growing health disadvantage among U.S. women, including smaller gains in life expectancy than among US men, larger relative increases in mortality from certain causes, and inferior health outcomes in comparison with women in other high-income

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<sup>19</sup> Woolf and Schoomaker, "Life Expectancy and Mortality Rates in the United States, 1959-2017," 2019.

<sup>20</sup> Woolf and Schoomaker, 1996 citing "National Center for Health Statistics. Health, United States, 2017: With Special Feature on Mortality." Hyattsville, MD: National Center for Health Statistics; 2018. Ho JY, Hendi AS. Recent trends in life expectancy across high income countries: retrospective observational study. *BMJ*. 2018;362: k2562. doi:10.1136/bmj.k2562.

<sup>21</sup> Woolf and Schoomaker, 1996 citing Murphy SL, Xu JQ, Kochanek KD, Arias E., "Mortality in the United States, 2017." Hyattsville, MD: National Center for Health Statistics; 2018. NCHS Data Brief 328. Acciai F, Firebaugh G. Why did life expectancy decline in the United States in 2015 A gender-specific analysis. *Soc Sci Med*. 2017;190:174- 180. doi:10.1016/j.socscimed.2017.08.004.

<sup>22</sup> Woolf and Schoomaker, 1996 citing Papanicolas I, Woskie LR, Jha AK., "Health care spending in the United States and other high-income countries." *JAMA*. 2018; 319(10):1024- 1039. doi:10.1001/jama.2018.1150.

<sup>23</sup> Woolf and Schoomaker, 1996 citing Crimmins EM, Preston SH, Cohen B, eds., "National Research Council and Committee on Population. International Differences in Mortality at Older Ages: Dimensions and Sources." Washington, DC: National Academies Press; 2011. Citing Woolf SH, Aron L, eds. National Research Council, Committee on Population, Division of Behavioral and Social Sciences and Education, and Board on Population Health and Public Health Practice, Institute of Medicine. U.S. Health in International Perspective: Shorter Lives, Poorer Health. Panel on Understanding Cross-National Health Differences Among High-Income Countries. Washington, DC: National Academies Press; 2013. citing Ho JY, Hendi AS. Recent trends in life expectancy across high income countries: retrospective observational study. *BMJ*. 2018;362: k2562. doi:10.1136/bmj.k2562 and Muennig PA, Glied SA. What changes in survival rates tell us about us health care. *Health Aff (Millwood)*. 2010;29(11):2105-2113. doi:10.1377/hlthaff. 2010.0073.

<sup>24</sup> Woolf and Schoomaker, "Life Expectancy and Mortality Rates in the United States, 1959-2017," 2019

<sup>25</sup> Woolf and Schoomaker, 2019.

<sup>26</sup> Woolf and Schoomaker, 2019.

<sup>27</sup> Woolf and Schoomaker, 2019.

<sup>28</sup> Woolf and Schoomaker, 2019.

countries. Researchers also found that respiratory and cardiovascular diseases contributed almost as much as external causes (including drug overdoses) among US women.<sup>29</sup>

States differ on their approach to address the social determinants of health, such as education spending, minimum wage laws, earned income tax credits, economic development, mass transit, safety net services, and public health provisions (E.g. tobacco taxes, Medicaid expansion, preemption laws, gun control). These decisions may have health implications.<sup>30</sup> As such, evidence-based strategies to improve population health are warranted, such as policies to promote education, increase household income, invest in communities, and expand access to health care, affordable housing, and transportation. The increase in mortality from substance abuse, suicides, and organ system diseases calls for strengthening of behavioral health services and the capacity of health systems to manage chronic diseases.<sup>31</sup>

### *Maternal Mortality*

In the U.S., a woman's access to high quality, gender-sensitive maternity care varies significantly depending on her geographic location, race/ethnicity, income, immigration status, and other factors. Sixty-four countries have lower Maternal Mortality Rates (MMRs) than the U.S.<sup>32</sup> and the U.S. is the only developed country whose MMR is rising.<sup>33</sup> The U.S. MMR has more than doubled from 10.3 per 100,000 live births in 1991 to 23.8 in 2014.<sup>34</sup> Over 700 women die of complications related to pregnancy each year in the U.S., and two-thirds of those deaths are preventable.<sup>35</sup> Fifty thousand women suffer from life-threatening complications of pregnancy.<sup>36</sup> A report from the Commonwealth Fund found that among eleven high-income countries, American women have the greatest risk of dying from pregnancy complications.<sup>37</sup> This disparity is even more devastating for African American women, who are nearly four times more likely to die of pregnancy-related complications than white women.<sup>38</sup> This disparity holds steady regardless of income, education or location.<sup>39</sup> The crisis of preventable maternal mortality in the U.S. has been recognized as a human rights concern in reviews of the U.S. by the Committee on the Elimination of Racial

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<sup>29</sup> Woolfand Schoomaker, "Life Expectancy and Mortality Rates in the United States, 1959-2017," 2019.

<sup>30</sup> Woolfand Schoomaker, 2019..

<sup>31</sup> Woolfand Schoomaker, 2019.

<sup>32</sup> Amnesty International, "HUMAN RIGHTS PRACTICE INCONSISTENT WITH INTERNATIONAL STANDARDS: Amnesty International Submission to the UN Universal Periodic Review, May 2015," May 2015, 6.

<sup>33</sup> Suzanne Delbanco et al., "The Rising U.S. Maternal Mortality Rate Demands Action from Employers," *Harvard Business Review*, June 28, 2019, <https://hbr.org/2019/06/the-rising-u-s-maternal-mortality-rate-demands-action-from-employers>.

<sup>34</sup> Delbanco et al.

<sup>35</sup> Delbanco et al.

<sup>36</sup> National Center for Chronic Disease Prevention and Health Promotion, "Advancing the Health of Mothers in the 21st Century" (Centers for Disease Control and Prevention, 2016), <https://www.cdc.gov/chronicdisease/resources/publications/aag/maternal.htm>.

<sup>37</sup> Munira Z. Gunja et al., "What Is the Status of Women's Health and Health Care in the U.S. Compared to Ten Other Countries?" (The Commonwealth Fund, December 19, 2018), <https://www.commonwealthfund.org/publications/issue-briefs/2018/dec/womens-health-us-compared-ten-other-countries>.

<sup>38</sup> Amnesty International, "HUMAN RIGHTS PRACTICE INCONSISTENT WITH INTERNATIONAL STANDARDS: Amnesty International Submission to the UN Universal Periodic Review, May 2015," 6.

<sup>39</sup> Amnesty International, 6.

Discrimination in 2008 and 2014 and during the Universal Periodic Review of the U.S. in 2015, as well as in reports concluding official visits to the U.S. from the UN working group on discrimination against women in law and in practice in 2015, the UN working group of experts on people of African descent in 2016, and the Special Rapporteur on extreme poverty in 2017.<sup>40</sup>

Barriers to quality healthcare exist for poor pregnant women. Many providers do not accept public insurance (Medicaid), nearly half of all U.S. counties lack an obstetric provider, rural hospitals are closing across the country, and hospitals that serve a high proportion of Black patients have been shown to provide lower quality care.<sup>41</sup> These structural barriers to equitable maternity care facilitate mistreatment. For example, for women seeking access to maternal health care via public insurance programs or in crowded public hospitals, privacy is systematically eroded.<sup>42</sup> As the Special Rapporteur on poverty noted in his report following an official visit to the U.S. in 2017, “poor pregnant women who seek Medicaid prenatal care are subjected to interrogations of a highly sensitive and personal nature, effectively surrendering their privacy rights.”<sup>43</sup>

### *Depression and Suicide among Teenage Girls*

Depression has become increasingly common among American teenagers – especially teen girls, who are now almost three times as likely as teen boys to have had recent experiences with depression.<sup>44</sup> A new study published in the Medical Journal of Pediatrics showed the proportion of young people treated at thirty-one U.S. children’s hospitals for suicidal thoughts or attempts more than doubled between 2008 and 2015, with nearly two-thirds of the visits involving girls.<sup>45</sup> The researchers called for further research on possible gender differences in youth mental health, noting that a previous study also found larger increases in depression in teenage girls compared with boys over the decade up to 2014.<sup>46</sup>

## **Freedom from Violence, Stigma and Stereotypes**

*Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms. ( Beijing Platform for Action, para D112 1995)*

<sup>40</sup> Center for Reproductive Rights and Black Mamas Matter Alliance, “Submission of the Black Mamas Matter Alliance and the Center for Reproductive Rights to the Special Rapporteur,” May 17, 2019, <https://www.ohchr.org/Documents/Issues/Women/SR/ReproductiveHealthCare/Black%20Mamas%20Matter%20Alliance%20and%20the%20Center%20for%20Reproductive%20Rights.pdf>.

<sup>41</sup> Testimony of the Am. College of Nurse-Midwives, “Hearing of the Committee on Energy and Commerce Subcommittee on Health on ‘Improving Access to Maternity Care Act’ (H.R. 1209)” (2015), <https://docs.house.gov/meetings/IF/IF14/20>.

<sup>42</sup> See generally Khiara M. Bridges, *THE POVERTY OF PRIVACY RIGHTS*, 2017.

<sup>43</sup> Philip Alston, “Special Rapporteur on Extreme Poverty and Human Rights, Report of the Mission to the United States of America,” May 4, 2018, para. 56.

<sup>44</sup> A.W. Geiger and Leslie Davis, “A Growing Number of American Teenagers – Particularly Girls – Are Facing Depression,” *Pew Research Center* (blog), accessed October 19, 2019, <https://www.pewresearch.org/fact-tank/2019/07/12/a-growing-number-of-american-teenagers-particularly-girls-are-facing-depression/>.

<sup>45</sup> Jeanne Whalen, “Youth Suicidal Behavior Is on the Rise, Especially Among Girls,” *Wall Street Journal*, May 15, 2018, sec. Life, <https://www.wsj.com/articles/youth-suicidal-behavior-is-on-the-rise-especially-among-girls-1526443782>.

<sup>46</sup> Whalen.

## Violence Against Women and Girls

### *Sexual Violence*

Violence against women and girls continues to be a problem in the U.S. despite the progress made in the #MeToo movement, where thousands of women shared their stories of sexual harassment and abuse. The U.S. was the only western country to rank in the top ten most dangerous countries in the world according to a 2018 Thomson Reuters Foundation survey of 550 women's issues experts.<sup>47</sup> The experts attributed the danger to women in the U.S. to "the risks women face in terms of sexual violence, including rape, sexual harassment, coercion into sex and a lack of access to justice in rape cases."<sup>48</sup> This is especially true for women who experience intersecting forms of discrimination. For instance, indigenous women suffer disproportionately high levels of rape and sexual violence.<sup>49</sup> Although progress has been made and more attention has been focused on the issue, sexual assault on campuses went up between 2015-2019.<sup>50</sup> In light of several high-profile men facing consequences for sexual assault, the president, himself, has been accused of misconduct with impunity by more than twenty women, including one rape allegation.<sup>51</sup>

### *Gun Violence*

Women in the U.S. are twenty-one times more likely to be killed by a gun than women in other high-income countries.<sup>52</sup> Intimate partner violence and gun violence are inextricably linked. Abusers with firearms are five times more likely to kill their victims, and guns further exacerbate the power and control dynamic used by abusers to inflict emotional abuse and exert coercive control over their victims.<sup>53</sup> The statistics are staggering, with an average of 52 women shot and killed by an intimate partner every month in the U.S.<sup>54</sup> Yet still, Republicans and some Democrats have refused to act on gun violence in America. In fact, Republican Senators have blocked the reinstatement of the expired Violence Against Women Act (VAWA) because of their loyalty to the National Rifle Association. The version of the VAWA that passed the House was blocked by the Senate because it eliminated the so-called "boyfriend loophole" by expanding a current ban on firearm purchases for spouses or formerly married partners convicted of abuse or

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<sup>47</sup> "Factbox: Which Are the World's 10 Most Dangerous Countries for Women?" *Reuters*, June 26, 2018, <https://www.reuters.com/article/us-women-dangerous-poll-factbox-idUSKBN1JM01Z>.

<sup>48</sup> "Factbox."

<sup>49</sup> Amnesty International, "HUMAN RIGHTS PRACTICE INCONSISTENT WITH INTERNATIONAL STANDARDS: Amnesty International Submission to the UN Universal Periodic Review, May 2015."

<sup>50</sup> David Cantor et al., "Report of the AAU Campus Climate Survey on Sexual Assault and Misconduct" (Westat, 2019).

<sup>51</sup> Meghan Keneally, "List of Trump's Accusers and Their Allegations of Sexual Misconduct," *ABC News*, June 25, 2019, <https://abcnews.go.com/Politics/list-trumps-accusers-allegations-sexual-misconduct/story?id=51956410>.

<sup>52</sup> "Gun Violence in America," EverytownResearch.org, July 19, 2018, <https://everytownresearch.org/gun-violence-america/>.

<sup>53</sup> Everytown for Gun Safety, "Guns and Violence Against Women: America's Uniquely Lethal Intimate Partner Violence Problem," October 2019, <https://everytownresearch.org/reports/guns-intimate-partner-violence/>.

<sup>54</sup> Everytown for Gun Safety.

under a restraining order. The House bill included dating partners who were never legally married.<sup>55</sup> The GOP's inaction on gun violence in the U.S. has had a devastating impact on all Americans, but particularly for women.

### *Abuses in Health Care*

Mistreatment and violence when accessing health care is experienced by women in the U.S., in violation of their rights to life, health, equality, non-discrimination, and freedom from torture, cruel, inhuman, and degrading treatment, among others. For instance, in most U.S. states it is legal for doctors and medical students to practice performing pelvic exams on unconscious women who are under anesthesia for other treatment, have no medical need for a pelvic exam, and have not explicitly consented to one.<sup>56</sup> For pregnant or birthing women and girls, many instances of mistreatment and violence in birth facilities are overlooked or accepted by government actors, health care professionals, and even patients themselves because of entrenched discrimination that is both normalized and denied in the U.S.<sup>57</sup> Disrespect and abuse of pregnant and birthing women and girls is an under-acknowledged problem, and more data and research is needed to better understand the nature and prevalence of this discrimination.<sup>58</sup>

Pregnant women imprisoned in the criminal justice system or in immigration detention facilities have even fewer options than most and lack avenues for recourse when they are mistreated and denied appropriate maternal health care. For instance, the number of immigrant women experiencing miscarriage or stillbirth while in government detention has risen sharply since the Trump Administration enacted a new policy in 2018 ending the presumption that U.S. Immigration and Customs Enforcement will release pregnant individuals.<sup>59</sup> Women in prison continue to be shackled—even where applicable laws and policies prohibit it—and pregnant women experiencing labor or obstetric emergencies have been denied necessary health care.<sup>60</sup> In states that lack appropriate legislation, there is little opportunity to either learn more about the pervasiveness of the problem or pressure correctional staff to keep handcuffs and chains off people in labor.<sup>61</sup>

### **Participation, Accountability and Gender-Responsive Institutions**

*Special measures must be taken to ensure that young women have the life skills necessary for active and effective participation in all levels of social, cultural, political and economic leadership. (Beijing Platform for Action, para 40, 1995)*

<sup>55</sup> Jordain Carney, "GOP Senator Blocks Vote on House-Passed Violence Against Women Act," *The Hill*, November 20, 2019, <https://thehill.com/homenews/senate/471386-gop-senator-blocks-vote-on-house-passed-violence-against-women-act>.

<sup>56</sup> Hannah Harris Green, "Med Students Are Doing Vaginal Exams on Unconscious, Non-Consenting Patients," *Vice*, June 26, 2019, [https://www.vice.com/en\\_us/article/43j59n/medical-students-allowed-to-do-pelvic-exams-on-unconscious-patients-without-consent](https://www.vice.com/en_us/article/43j59n/medical-students-allowed-to-do-pelvic-exams-on-unconscious-patients-without-consent).

<sup>57</sup> Center for Reproductive Rights and Black Mamas Matter Alliance, "Submission of the Black Mamas Matter Alliance and the Center for Reproductive Rights to the Special Rapporteur," May 17, 2019.

<sup>58</sup> Lynn Freedman, Angela D. Aina, and Mary-Ann Etiebet, "To Reverse the Maternal Health Crisis, We Must Break the Cycle of Distrust," *Rewire*, April 11, 2019, <https://rewire.news/article/2019/04/11/maternal-health-crisis-cycle-of-distrust/>.

<sup>59</sup> Scott Bixby, "Immigrant Miscarriages in ICE Detention Have Nearly Doubled Under Trump," *The Daily Beast*, March 1, 2019.

<sup>60</sup> Victoria Law, "North Carolina Has a Policy Against Shackling Prisoners Giving Birth—So Why Is It Still Happening?" *Rewire*, March 14, 2018, <https://rewire.news/article/2018/03/14/north-carolina-policy-shackling-prisoners-giving-birth-still-happening/>.

<sup>61</sup> Center for Reproductive Rights and Black Mamas Matter Alliance, "Submission of the Black Mamas Matter Alliance and the Center for Reproductive Rights to the Special Rapporteur," May 17, 2019.

## Promoting Women's Participation in Public Life and Decision-Making

There has been progress in the U.S. in the past five years regarding women's participation in public life and decision-making. For example, a record number of women were elected to statehouses and Capitol Hill in the 2018 mid-term elections, dubbed "the year of the woman."<sup>62</sup> However, women remain far from having equal representation in Congress. About one in five members of the 116th Congress are women, yet women constitute over 50 percent of the U.S. population.<sup>63</sup>

There has also been significant progress in electing openly LGBTQI candidates. For example, the Inter-American Commission on Human Rights highlighted in their report on the recognition of LGBTQI rights: the performance of Senator Tammy Baldwin, a lesbian woman and the first openly gay person elected to the U.S. Senate in 2012; as well as the vote that elected Kate Brown, openly bisexual, as Governor of the state of Oregon in special elections in 2016; and the recent election of Danica Roem, a transgender, to the Virginia House of Delegates in November 2017.<sup>64</sup> These elections came after the historic 2015 Supreme Court decision, that legalized same-sex marriage at the federal level. Despite this significant progress, there are three cases currently before the now conservative majority Supreme Court that will decide whether federal job description and Civil Rights law extended to protecting LGBTQI persons from discrimination in the workplace (*R. G & G. R. Harris Funeral Homes Inc. v. Equal Employment Opportunity Commission* (No. 18-107); *Bostock v. Clayton County, Ga.* (No. 17-1618); and *Altitude Express Inc. v. Zarda* (No. 17-1623)).

While the U.S. has seen progress in the number of women represented in Congress and as state and city officials, it has seen backsliding in the remaking of the courts by the Trump administration and the Republican Senate. Senate Majority Leader, Mitch McConnell, changed the make-up of the Supreme Court when he led the Senate Judiciary Committee in blocking President Obama's Supreme Court justice nominee, Merrick Garland, in 2016. In an unprecedented move, Senator McConnell refused to hold hearings on Obama's nominee, instead insisting the next nominee would be chosen by the next president, to be elected later that year.<sup>65</sup> When Trump took office in 2017, he nominated and the Senate confirmed conservative justice, Neil Gorsuch, to the court. One year later, despite sexual assault allegations from multiple women, the Senate confirmed another conservative justice, Brett Kavanaugh, securing a conservative majority on the Supreme Court.<sup>66</sup>

In addition to changing the make-up of the Supreme Court, Trump and the Senate are packing the federal courts with young, conservative judges. Like the Supreme Court, federal judges have lifetime appointments on the bench. The president's process of selecting and vetting nominees has been fundamentally shaped by groups like the Federalist Society, a hugely powerful, nationwide organization of conservative lawyers.<sup>67</sup> As of December 2019,

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<sup>62</sup> Maya Salam, "A Record 117 Women Won Office, Reshaping America's Leadership," *The New York Times*, November 7, 2018, sec. U.S., <https://www.nytimes.com/2018/11/07/us/elections/women-elected-midterm-elections.html>.

<sup>63</sup> Salam.

<sup>64</sup> Inter-American Commission on Human Rights, "Recognition of the Rights of LGBTI Person," December 7, 2018, 68.

<sup>65</sup> Ron Elving, "What Happened With Merrick Garland In 2016 And Why It Matters Now," *NPR*, June 29, 2018, <https://www.npr.org/2018/06/29/624467256/what-happened-with-merrick-garland-in-2016-and-why-it-matters-now>.

<sup>66</sup> See: Sophie Tatum, "Brett Kavanaugh's Nomination: A Timeline," *CNN*, n.d., <https://www.cnn.com/interactive/2018/10/politics/timeline-kavanaugh/>.

<sup>67</sup> ASHER STOCKLER, "DONALD TRUMP IS ON TRACK TO CONFIRM 180 FEDERAL JUDGES—JUST AS HE PREDICTED IN NOVEMBER," *Newsweek*, December 7, 2019, <https://www.newsweek.com/donald-trump-judges-nominees-senate-mcconnell-1475828>.

Trump was well on his way to confirming 180 judges to the federal courts, several of which were rated “unqualified” by the American Bar Association.<sup>68</sup> The impact of remaking the federal judiciary with conservative, anti-abortion, judges could be devastating for generations of women.

### National Human Rights Institution

Under the guise of human rights, the Trump administration is further embedding discrimination against women and LGBTQI people. In 2019, the U.S. State Department created the Commission on Unalienable Rights to review “the role of human rights in American foreign policy.”<sup>69</sup> The commission is made up of anti-choice and anti-LGBTQI activists determined to undermine LGBTQI and abortion rights. Leading the commission is Harvard Law School Professor Mary Ann Glendon, the former U.S. ambassador to the Vatican and an outspoken opponent of abortion and same-sex marriage.<sup>70</sup> In addition, the State Department’s Bureau of Democracy, Human Rights, and Labor issued an annual report on human rights around the world. An analysis by Oxfam found that the Trump State Department was systematically removing sections devoted to women’s and LGBTQI rights from the report.<sup>71</sup> The Trump administration poses a hierarchy of rights in that religious freedom, or an extreme form of Christianity, is in opposition to human rights such as the right to marry or the right to reproductive healthcare.

## Peaceful and Inclusive Societies

*Peace is inextricably linked with equality between women and men and development. . . Massive violations of human rights, especially in the form of genocide, ethnic cleansing as a strategy of war and its consequences, and rape, including systematic rape of women in war situations, creating a mass exodus of refugees and displaced persons, are abhorrent practices that are strongly condemned (Beijing Platform for Action, para 131, 1995)*

The United States has been slow to ratify human rights treaties and when it has ratified them it has frequently introduced reservations or other conditions designed to defeat the purpose of the treaty or limit its potential to protect human right. In other instances, the government has declared that the treaty’s provisions are not “self-executing” and then failed to implement the treaty into domestic law, or refused to apply relevant treaty provisions extraterritorially.<sup>72</sup> As a result, the U.S. becoming a party to a human rights treaty has often been more symbolic than real.<sup>73</sup>

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<sup>68</sup> Ed Kilgore, “Anti-Abortion Activist Is Trump’s Latest Unqualified Judicial Nominee,” *Intelligencer*, October 24, 2019, <http://nymag.com/intelligencer/2019/10/pitlyk-is-trumps-latest-unqualified-judicial-nominee.html>.

<sup>69</sup> Tim Fitzsimons, “Trump Administration’s New Human Rights Commission Alarms LGBTQ Advocates,” *NBC News*, July 10, 2019, <https://www.nbcnews.com/feature/nbc-out/trump-administration-s-new-human-rights-commission-alarms-lgbtq-advocates-n1028276>.

<sup>70</sup> Fitzsimons.

<sup>71</sup> Gawain Kripke, “The Vanishing: Women’s Rights and LGBTI Rights under the Trump Administration,” *The Politics of Poverty* (blog), November 1, 2018, <https://politicsofpoverty.oxfamamerica.org/2018/11/the-vanishing-womens-rights-and-lgbti-rights-under-the-trump-administration/>.

<sup>72</sup> Amnesty International, 3.

<sup>73</sup> Amnesty International, 3.

The U.S. ranked 19 on the Women, Peace and Security Index,<sup>74</sup> which measures women's inclusion in society, sense of security, and exposure to discrimination. One factor that lowered its score is government representation and the percentage of legislative seats held by women. In this subcategory, the U.S. is lagging behind several European nations.<sup>75</sup>

## Environmental Conservation, Protection and Rehabilitation

*(Governments including municipal authorities should) Ensure opportunities for women, including indigenous women, to participate in environmental decision-making at all levels, including as managers, designers and planners, and as implementers and evaluators of environmental projects; (Beijing Platform for Action, para 253a, 1995).*

During his presidential campaign, Trump vowed to get rid of the Environmental Protection Agency (EPA). Once elected, he put Scott Pruitt, a person who spent his career suing the EPA, in charge of the agency. To the Trump administration and many Republicans, preserving the environment is at odds with unregulated capitalism.<sup>76</sup> Since February 2017, Trump's EPA has rolled back or reversed 29 environmental regulations.<sup>77</sup> In 2018, American greenhouse-gas emissions rose by 3.2 percent, the first increase after three years straight of slight declines.<sup>78</sup> It was the second biggest rise in emissions in 20 years.<sup>79</sup> President Trump has also mocked climate change as a hoax and in November 2019, he officially withdrew the U.S. from the Paris Climate Agreement.<sup>80</sup>

While climate change affects everyone, it has a particularly negative impact on women, children, the elderly, workers, the sick and people living in low-income areas. As a consequence, climate change constitutes a significant impediment to achieving sustainable development and ensuring that no one is left behind.<sup>81</sup> Studies show that 80

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<sup>74</sup> Eve Conant, "The Best and Worst Countries to Be a Woman," *National Geographic*, October 15, 2019, <https://www.nationalgeographic.com/culture/2019/10/peril-progress-prosperity-womens-well-being-around-the-world-feature/#close>.

<sup>75</sup> Conant.

<sup>76</sup> Luke Darby, "How Trump Remade the EPA into a Pollution Green-Lighting Agency," *GQ*, September 6, 2019, <https://www.gq.com/story/trumps-epa-business-vs-environment>.

<sup>77</sup> Nadja Popovich, Livia Albeck-Ripka, and Kendra Pierre-Louis, "85 Environmental Rules Being Rolled Back Under Trump," *The New York Times*, June 2, 2019, sec. Climate, <https://www.nytimes.com/interactive/2019/climate/trump-environment-rollbacks.html>, <https://www.nytimes.com/interactive/2019/climate/trump-environment-rollbacks.html>.

<sup>78</sup> "Preliminary US Emissions Estimates for 2018," *Rhodium Group* (blog), January 8, 2019, <https://rhg.com/research/preliminary-us-emissions-estimates-for-2018/>.

<sup>79</sup> Darby, "How Trump Remade the EPA into a Pollution Green-Lighting Agency."

<sup>80</sup> Lisa Friedman, "Trump Serves Notice to Quit Paris Climate Agreement," *The New York Times*, November 4, 2019, sec. Climate, <https://www.nytimes.com/2019/11/04/climate/trump-paris-agreement-climate.html>.

<sup>81</sup> United Nations Environment Assembly of the United Nations Environment Programme, "Towards a Pollution-Free Planet," September 2017, 70, [https://wedocs.unep.org/bitstream/handle/20.500.11822/21800/UNEA\\_towardspollution\\_long%20version\\_Web.pdf?sequence=1&isAllowed=y](https://wedocs.unep.org/bitstream/handle/20.500.11822/21800/UNEA_towardspollution_long%20version_Web.pdf?sequence=1&isAllowed=y).

percent of people displaced by climate change around the globe are women.<sup>82</sup> Women are more likely than men to experience poverty and have less socioeconomic power than men, making recovery from extreme weather events more difficult.<sup>83</sup> Among other consequences, women are also more likely to become victims of domestic or sexual violence following a disaster.<sup>84</sup> After Hurricane Katrina in the U.S., there were numerous reports of sexual assault.<sup>85</sup>

### The Environment and Women's Health

Without question, climate change has a disproportionate effect on global women's health, as it broadens existing gender-based health disparities.<sup>86</sup> In the U.S., the intersection of climate change and current federal and state restrictions on reproductive rights is a perfect storm that will put the lives and well-being of women, disproportionately women of color, at risk.<sup>87</sup> For example, when Hurricane Harvey in 2017, forced the closing of many of Houston's abortion clinics, hundreds of women were left without access to abortion care. While providers stepped in to offer no-cost abortion care, the state's aggressive legal restrictions on the service, compounded by financial and logistical barriers posed by the storm, meant many people most likely went without abortion care and other vital health services.<sup>88</sup>

The impact of climate change will not be felt equally across the United States. According to many studies, states in the South, including Florida, Mississippi, Georgia, and Texas, will feel the effects of climate change most acutely. These states also have large communities that typically fare worse during and following natural disasters and extreme weather events such as communities of color and a greater proportion of low-income households than the rest of the country.<sup>89</sup> These same states have enacted a multitude of restrictive abortion bills that make access to comprehensive health care virtually unattainable. Since 2010, states that traditionally vote Republican have enacted or introduced well over 400 extreme and ideological abortion restrictions, ranging from bans at early points in a pregnancy to mandatory waiting periods.<sup>90</sup> As a result, many abortion clinics have been forced to close, leaving 89 percent of counties in the country without an abortion clinic.<sup>91</sup> When the effects of climate change compound these

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<sup>82</sup> Mary Halton, "Climate Change 'Hurts Women More,'" *BBC News*, March 8, 2018, sec. Science & Environment, <https://www.bbc.com/news/science-environment-43294221>.

<sup>83</sup> "HOW IS CLIMATE CHANGE AFFECTING WOMEN?" *The Climate Reality Project* (blog), April 14, 2018, <https://www.climate reality project.org/blog/how-climate-change-affecting-women>.

<sup>84</sup> UNDP, "Gender and Disasters," October 2010, <https://www.undp.org/content/dam/undp/library/crisis%20prevention/disaster/7Disaster%20Risk%20Reduction%20-%20Gender.pdf>.

<sup>85</sup> John Haltiwanger, "WOMEN ARE MORE AT RISK FROM DISASTERS LIKE HURRICANE HARVEY," *Newsweek*, August 29, 2017, <https://www.newsweek.com/hurricane-harvey-likely-affect-women-more-other-group-656590>.

<sup>86</sup> The American College of Obstetricians and Gynecologists, "CLIMATE CHANGE AND WOMEN'S HEALTH Position Statement," April 2018.

<sup>87</sup> Osub Ahmed, "The Threat That Climate Change Poses to Women's Health Is Real," *Rewire*, April 22, 2019, <https://rewire.news/article/2019/04/22/the-threat-that-climate-change-poses-to-womens-health-is-real/>.

<sup>88</sup> Ahmed.

<sup>89</sup> Ahmed.

<sup>90</sup> Guttmacher Institute, "State Policy Trends 2018: With Roe v. Wade in Jeopardy, States Continued to Add New Abortion Restrictions," Guttmacher Institute, December 2018, <https://www.guttmacher.org/article/2018/12/state-policy-trends-2018-roe-v-wade-jeopardy-states-continued-add-new-abortion>.

<sup>91</sup> Guttmacher Institute, "Data Center," Guttmacher Institute, 2017, <https://data.guttmacher.org/states/table?state=US&topics=58&dataset=data>.

harmful restrictions, even more people will be forced to either go without care or resort to measures that can lead to morbidity or even mortality.<sup>92</sup>

According to the UN 2019 Sustainable Goals report, environmental factors also contribute to women and girl's ill health, such as air pollution and the lack of safely managed water and sanitation.<sup>93</sup> For example, both household and ambient air pollution increased the risk of cardiovascular and respiratory diseases, and were major risk factors for non-communicable diseases.<sup>94</sup> In addition, contaminated water has already replaced the access to safe, affordable and clean water in many areas of the U.S. in 2019, affecting women and their families.<sup>95</sup> For example, a California study linked contaminants including chemicals such as arsenic, chromium-6, the notorious "Erin Brockovich" chemical, and radioactive elements such as uranium and radium to an increased risk of cancer in people who drink that water.<sup>96</sup> The Environmental Working Group found that the greatest risks tended to be in small to midsize communities, which relied heavily on groundwater<sup>97</sup> and highlighted that these places were also often the most in need of costly treatment systems and other infrastructure to ensure safe drinking water.<sup>98</sup> That didn't mean larger systems were without risk. In fact, 43% of the evaluated systems, including some of the larger systems, carried some of the higher cancer risks.<sup>99</sup>

In short, climate change and ensuring a healthy environment for all is a feminist issue, with intersecting implications. Women have already been at the forefront of bringing attention to this crisis but have been marginalized in decision-making.<sup>100</sup> That is why women's equal participation, decision-making and access to opportunities and resources are essential to scaling up and speeding-up progress on climate change.<sup>101</sup>

## The Backlash to Progress

### Restrictions on Abortion

The current administration has committed to giving the Christian right virtual carte blanche in both personnel and policy.<sup>102</sup> A trio of recent Supreme Court victories — *Hobby Lobby*, *Trinity Lutheran*, and *Masterpiece Cakeshop*— have laid the groundwork for a range of Trump administration policies that drastically expand the ability of

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<sup>92</sup> Ahmed, "The Threat That Climate Change Poses to Women's Health Is Real."

<sup>93</sup> UNSD- the United Nations, "The Sustainable Development Goals Report 2019," 2019, 28, <https://unstats.un.org/sdgs/report/2019/>.

<sup>94</sup> UNSD- the United Nations, 29.

<sup>95</sup> Jose A. Real, "They Grow the Nations Food but They Can't Drink the Water," *The New York Times*, May 21, 2019.

<sup>96</sup> CNN Wire and Kimberly Cheng, "15000 Cancer Cases Could Stem from California Tap Water: Environmental Working Group Study," n.d.

<sup>97</sup> Tasha Stoiber et al., "Applying a Cumulative Risk Framework to Drinking Water Assessment: A Commentary," *Environmental Health* 18, no. 1 (April 30, 2019): 4–6, <https://doi.org/10.1186/s12940-019-0475-5>.

<sup>98</sup> CNN Wire and Cheng, "15000 Cancer Cases Could Stem from California Tap Water: Environmental Working Group Study."

<sup>99</sup> CNN Wire and Cheng.

<sup>100</sup> Amanda Hooper, "The Flint Water Crisis Is a Feminist Issue," *NWLC* (blog), January 28, 2016, <https://nwlc.org/blog/the-flint-water-crisis-is-a-feminist-issue/>.

<sup>101</sup> United Nations Environment Assembly of the United Nations Environment Programme, "Towards a Pollution-Free Planet," 68.

<sup>102</sup> Sarah Posner, "Inside The Christian Legal Army Weakening the Church-State Divide," *TPM*, October 4, 2019, <https://talkingpointsmemo.com/feature/inside-the-christian-legal-army-weakening-the-church-state-divide>.

conservative Christians to raise religious objections and roll back LGBTQI and women's rights.<sup>103</sup> In 2017, then Attorney General Jeff Sessions consulted with Christian right lawyers in preparing a comprehensive memorandum for all federal agencies on how to expand religious freedom — and undermine civil rights protections. Americans United for Separation of Church and State called the memo “a roadmap for how to discriminate against most anyone, including women, LGBTQ people and religious minorities.”<sup>104</sup> A 2018 report by Columbia Law School found that women of color are disproportionately harmed by the Ethical and Religious Directives, a set of guidelines written by the US Conference of Bishops that prohibit healthcare providers at Catholic institutions from providing essential reproductive health care like contraception and abortion.<sup>105</sup>

Trump's appointment of two conservative justices on the Supreme Court has emboldened anti-choice states to pass unconstitutional restrictive abortion laws. The anti-choice strategy in passing these laws is that they will be challenged and create a pathway for bringing a case before the now conservative Supreme Court with the hopes of overturning *Roe v. Wade* or at the very least, chipping away at it. Indeed, a case involving Louisiana targeted regulation of abortion providers (TRAP) laws will be considered by the court in 2020, potentially putting *Roe* in jeopardy. In March 2019, the Trump administration finalized an overhaul of the federal regulations that govern Title X, the national family planning program. The new rules are referred to as the “Domestic Gag Rule” because they prohibit abortion referrals, impose coercive counseling standards for pregnant patients, and impose unnecessary and stringent requirements for the physical and financial separation of Title X-funded activities from a range of abortion-related activities.<sup>106</sup> These new rules have forced Planned Parenthood and other medical groups to leave the program, meaning many patients could experience a delay in care or go without care at all.

### Violations of the Rights of “Legal” Immigrants on a Large Scale

President Trump has targeted Muslim, Asian, Haitian and Latino immigrants for bans, deportation and family separation. He implemented a Muslim Ban (meaning the United States currently bans nationals of five Muslim-majority countries: Iran, Libya, Somalia, Syria, and Yemen).<sup>107</sup> His administration also considered a ban on Chinese college students and has refused visas, delayed renewals, and imposed other restrictions on Chinese-national students.<sup>108</sup> In addition, as of July 2019, the more than 50,000 Haitian immigrants living in the United States will lose their temporary protected status, a special immigration status granted to nationals of a country experiencing a humanitarian disaster and that allows recipients to live and work legally in the United States. Losing their status will force them to return to Haiti or risk living in the United States as undocumented immigrants in an era of heightened fear.<sup>109</sup> Maybe most heinously of all, as part of the Trump administration's zero tolerance policy, approximately

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<sup>103</sup> Posner.

<sup>104</sup> Posner.

<sup>105</sup> Kira Shepherd et al., “BEARING FAITH The Limits of Catholic Health Care for Women of Color” (Columbia Law School, 2018).

<sup>106</sup> Kinsey Hasstedt, “Title X Under Attack—Our Comprehensive Guide,” Guttmacher Institute, March 2019, [https://www.guttmacher.org/article/2019/03/title-x-under-attack-our-comprehensive-guide?gclid=EAlalQobChMIo4evaK25glVT4FaBR0fsAkVEAAAYASAAEgKwQvD\\_BwE](https://www.guttmacher.org/article/2019/03/title-x-under-attack-our-comprehensive-guide?gclid=EAlalQobChMIo4evaK25glVT4FaBR0fsAkVEAAAYASAAEgKwQvD_BwE).

<sup>107</sup> “Living with the Muslim Ban,” ACLU, 2019, <https://www.aclu.org/issues/immigrants-rights/living-muslim-ban>.

<sup>108</sup> Christopher Rim, “The Real Reason Trump Wants To Ban Chinese College Students,” *Forbes*, June 14, 2019, <https://www.forbes.com/sites/christopherrim/2019/06/14/the-real-reason-trump-wants-to-ban-chinese-college-students/#1f742ef71814>.

<sup>109</sup> Nathalie Baptiste, “Trump Is Trying to Deport Haitian Immigrants. They’re Fighting Back.,” *Mother Jones*, December 3, 2018, <https://www.motherjones.com/politics/2018/12/haitian-immigrants-temporary-protected-status-trump/>.

5,500 migrant children have been separated from their parents at the U.S.-Mexico border.<sup>110</sup> Several children who were legal immigrants have died in U.S. custody.<sup>111</sup> This targeted abuse of immigrants points to a concerted campaign by the Trump administration to overhaul the U.S.' legal immigration system.

As another part of Trump administration's hardline immigration agenda also sets its sights on legal immigrants who use welfare benefits like food stamps and government-subsidized housing. A proposed regulation, known as the public charge rule, would have made it easier for the Trump administration to reject green card and visa applications filed by low-income immigrants whom the government determines are or might become a burden on U.S. taxpayers.<sup>112</sup> This rule was blocked by federal courts. Nonetheless, the administration has announced that it is preparing to reject visa applications from immigrants the government determines will not be able to pay for health insurance or cover health care costs in the U.S.<sup>113</sup>

The Trump administration's extreme anti-immigration stance has also diminished the U.S.' role in securing peace and security globally. The year 2017 marked the first time since the adoption of the 1980 U.S. Refugee Act that the U.S. resettled fewer refugees than all other countries combined.<sup>114</sup> The number of refugees resettled in the U.S. – 33,000 in 2017 – decreased more than in any other country over the previous year.<sup>115</sup> Ending in what used to be a bipartisan consensus, the Trump administration has politicized refugees by conflating them with the immigration debate.<sup>116</sup>

### Anti-Feminist, Racist Groups Are Emboldened

The President has popularized racist rhetoric and policies that are antithetical to the ideals of equality and freedom for which the U.S. claims to stand. As a result, hate crimes are rising across the United States. Statistics released by the FBI in 2018 showed hate crimes in the United States rose 17 percent in 2017 compared to the previous year, the third straight annual increase.<sup>117</sup> In the crimes motivated by hatred over race or ethnicity, nearly half involved African-Americans and 11 percent were anti-Hispanic.<sup>118</sup> A further analysis of this data shows that the

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<sup>110</sup> Jasmine Aguilera, "Here's What to Know About the Status of Family Separation at the U.S. Border, Which Isn't Nearly Over," *Time*, October 25, 2019, <https://time.com/5678313/trump-administration-family-separation-lawsuits/>.

<sup>111</sup> MOLLY HENNESSY-FISKE, "Six Migrant Children Have Died in U.S. Custody. Here's What We Know about Them," *Los Angeles Times*, May 24, 2019, <https://www.latimes.com/nation/la-na-migrant-child-border-deaths-20190524-story.html>.

<sup>112</sup> Camilo Montotoya-Galvez, "New Trump Administration Rule Cracks down on Welfare Benefits Use by Legal Immigrants," *CBS News*, August 12, 2019, <https://www.cbsnews.com/news/what-is-a-public-charge-new-trump-administration-rule-cracks-down-on-welfare-use-by-legal-immigrants/>.

<sup>113</sup> Camilo Montotoya-Galvez, "Courts Block Trump Rule to Deny Green Cards and Visas to Low-Income Immigrants," *CBS News*, accessed October 12, 2019, <https://www.cbsnews.com/news/public-charge-rule-judge-blocks-attempt-to-deny-green-cards-and-visas-to-low-income-immigrants/>.

<sup>114</sup> Anthony Cilluffo and D'Vera Cohn, "6 Demographic Trends Shaping the U.S. and the World in 2019" (Pew Research Center, April 11, 2019), <https://www.pewresearch.org/fact-tank/2019/04/11/6-demographic-trends-shaping-the-u-s-and-the-world-in-2019/>.

<sup>115</sup> Cilluffo and Cohn.

<sup>116</sup> Niskanen Center, "How Trump Politicized Refugees," Niskanen Center, October 23, 2019, <https://www.niskanencenter.org/how-trump-politicized-refugees/>.

<sup>117</sup> Michael Balsamo, "FBI Report Shows 17 Percent Spike in Hate Crimes since 2017," *AP NEWS*, November 13, 2018, <https://apnews.com/e5e7bb22f8474408becd2fcdc67f284e>.

<sup>118</sup> Balsamo.

president's white supremacist rhetoric is linked to the rise in hate crimes.<sup>119</sup> For example, in August 2017, a violent clash between white-supremacists and counter protesters in Charlottesville, Virginia resulted in one young woman's death. Trump responded to this tragedy by saying that there were "very fine people on both sides."<sup>120</sup> Following this event, reported hate crimes nationally increased to 663 incidents, the second-highest tally in nearly a decade.<sup>121</sup> After a terrorist shooting by a Muslim couple that killed 14 people in San Bernardino, California in 2015, President Trump made a campaign trail plea for a "total and complete shutdown of Muslims entering the United States." Over the next 10 days, reported hate crimes against Muslims and Arabs nationwide spiked 23 percent.<sup>122</sup> In August 2019, a shooter killed twenty-two people at a Walmart in El Paso, likening Trump's words about an "invasion of illegals" at the southern border to a "Hispanic invasion of Texas" in a post.<sup>123</sup> On Facebook alone, the president's campaign has run around 2,200 ads since May 2018 that mention the word "invasion" when referring to immigrants at the southern border.<sup>124</sup>

During the summer of 2019, at a rally in Greenville, North Carolina, Trump questioned the patriotism of Somali-born Rep. Ilhan Omar of Minnesota and then stood silent for thirteen seconds while the crowd loudly chanted, "Send her back!"<sup>125</sup> He has said he preferred immigration from Scandinavia rather than from "shithole countries" in Africa.<sup>126</sup> He has removed "a nation of immigrants" from the mission of the United States Citizenship and Immigration Services.<sup>127</sup> For the first time since it was formed after the 9/11 attacks, the Department of Homeland Security is adding white supremacist violence to its list of priority threats in a revised counterterrorism strategy.<sup>128</sup> These examples point to a large scale effort by the Trump administration to stoke fear of non-white people among his base supporters.

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<sup>119</sup> Center for the Study of Hate and Extremism, "REPORT TO THE NATION: 2019 FACTBOOK ON HATE & EXTREMISM IN THE U.S. & INTERNATIONALLY" (California State University San Bernadino, 2019), [https://csbs.csusb.edu/sites/csusb\\_csbs/files/CSHE%202019%20Report%20to%20the%20Nation%20FINAL%207.29.19%2011%20PM\\_0.pdf](https://csbs.csusb.edu/sites/csusb_csbs/files/CSHE%202019%20Report%20to%20the%20Nation%20FINAL%207.29.19%2011%20PM_0.pdf).

<sup>120</sup> Jonathan Lemire and Julie Pace, "Defiant Trump Insists Anew: Blame Both Sides for Violence," *AP NEWS*, August 15, 2017, <https://apnews.com/7654c14b6bd94cf8814fa6a0af8d1edd>.

<sup>121</sup> Center for the Study of Hate and Extremism, "REPORT TO THE NATION: 2019 FACTBOOK ON HATE & EXTREMISM IN THE U.S. & INTERNATIONALLY."

<sup>122</sup> Michael Kunzelman and Astrid Galvan, "Trump Words Linked to More Hate Crime? Some Experts Think So," *AP NEWS*, August 7, 2019, <https://apnews.com/7d0949974b1648a2bb592cab1f85aa16>.

<sup>123</sup> Kunzelman and Galvan.

<sup>124</sup> Kunzelman and Galvan.

<sup>125</sup> Deb Riechmann, "Trump Blasts 4 Congresswomen; Crowd Roars, 'Send Her Back!,'" *AP NEWS*, July 18, 2019, <https://apnews.com/eb7f2bf6a7bd41e282a95dcf3904a877>.

<sup>126</sup> Ibram X. Kendi, "The Day 'Shithole' Entered the Presidential Lexicon," *The Atlantic*, January 13, 2019, <https://www.theatlantic.com/politics/archive/2019/01/shithole-countries/580054/>.

<sup>127</sup> Richard Gonzales, "America No Longer A 'Nation Of Immigrants,' USCIS Says," *NPR*, February 22, 2018, <https://www.npr.org/sections/thetwo-way/2018/02/22/588097749/america-no-longer-a-nation-of-immigrants-uscis-says>.

<sup>128</sup> Anti-Defamation League, "Hate Beyond Borders: The Internationalization of White Supremacy," accessed October 13, 2019, <https://www.adl.org/resources/reports/hate-beyond-borders-the-internationalization-of-white-supremacy>.

The President's racist rhetoric appeals to his base of supporters. A Pew Research Center study showed 46 percent of white adults believe "a majority nonwhite population will weaken American culture."<sup>129</sup> It is no surprise that Trump first entered the political arena questioning Barack Obama's citizenship, all in an effort to delegitimize the first black president.<sup>130</sup> Emboldening racist rhetoric has horrifying consequences. A New Jersey police chief who is on trial on a federal hate-crime charge after he allegedly slammed a black teenager's head into a doorjamb, blatantly expressed his belief that Trump is the "last hope for white people."<sup>131</sup> Such views are validated by Trump's policies and so endear him to many Republicans.

In line with this administration's racist policies is its efforts to limit the voting rights of minorities. The administration has enabled its state-level allies to pursue discriminatory policies such as voter ID laws, voter roll purges, poll closures, and gerrymandering, all to keep as many African American, Hispanic, Native American and Asian American voters from the ballot box.<sup>132</sup> The President has nominated and the GOP-majority Senate has confirmed more than 150 judges on the federal bench to solidify these gains.<sup>133</sup>

### Impact on Global Feminist and Women's Movements

The Trump administration has launched significant attacks on the funding and legitimacy of the United Nations. It withdrew the U.S. from the Human Rights Council. The U.S. also launched attacks on key elements of the Beijing Platform for Action at the Commission on the Status of Women 63 where it has sought to dismantle reproductive rights, dismiss the idea of state engagement in social protection to mitigate the costs women bear for their unpaid reproductive work, and delete references altogether to the word and concept of 'gender.'<sup>134</sup> The Trump administration cut funding in 2017 for the UN Population Fund stating (incorrectly) that the organization "supports, or participates in the management of a program of coercive abortion or involuntary sterilization."<sup>135</sup> Further, in Spring 2019, the U.S. threatened to veto a resolution on rape as a weapon of war, which ultimately resulted in the UN Security Council passing a watered-down version of the resolution that omitted references to sexual and reproductive

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<sup>129</sup> Luke Darby, "How White Supremacy Went Mainstream in the US: 8chan, Trump, Voter Suppression," *The Guardian*, August 11, 2019, sec. US news, <https://www.theguardian.com/us-news/2019/aug/11/el-paso-shooting-white-supremacy-8chan-voter-suppression>.

<sup>130</sup> Michael Barbaro, "Donald Trump Clung to 'Birther' Lie for Years, and Still Isn't Apologetic," *The New York Times*, September 16, 2016, sec. U.S., <https://www.nytimes.com/2016/09/17/us/politics/donald-trump-obama-birther.html>.

<sup>131</sup> Andrea Salcedo, "Trump Is 'Last Hope for White People,' Said Police Chief on Trial," *The New York Times*, October 1, 2019, sec. New York, <https://www.nytimes.com/2019/10/01/nyregion/nj-police-chief-trump.html>.

<sup>132</sup> Carol Anderson, "Perspective | Impeachment Is the Latest Chapter in the Battle between Democracy and White Supremacy," *Washington Post*, October 9, 2019, <https://www.washingtonpost.com/outlook/2019/10/09/impeachment-is-latest-chapter-battle-between-democracy-vs-white-supremacy/>.

<sup>133</sup> Jennifer Bendery, "Trump Has Confirmed 150 Lifetime Federal Judges. That's A Lot.," *HuffPost*, September 17, 2019, [https://www.huffpost.com/entry/trump-judges-courts-senate-rules-mcconnell-republicans\\_n\\_5d81397ee4b05f8fb6eee2e1](https://www.huffpost.com/entry/trump-judges-courts-senate-rules-mcconnell-republicans_n_5d81397ee4b05f8fb6eee2e1).

<sup>134</sup> Anne Marie Goetz and Rob Jenkins, "The WPS Agenda 25 Years After Beijing," in *Expert Group Meeting Sixty-Fourth Session of the Commission on the Status of Women (CSW64)*, EGM/B+25/EP.4 ('Beijing +25: Current context, emerging issues and prospects for gender equality and women's rights,' New York, NY: UN Women, 2019), <https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/64/egm/goetzjenkinsexpert%20paperdraftegmb25ep4.pdf?la=en&vs=844>.

<sup>135</sup> Liz Ford and Nadia Khomami, "Trump Administration Halts Money to UN Population Fund over Abortion Rules," *The Guardian*, April 4, 2017, sec. Global development, <https://www.theguardian.com/global-development/2017/apr/04/trump-administration-un-population-fund-abortion>.

health.<sup>136</sup> At the 2019 UNGA, the Trump administration announced that there was no international right to an abortion. The U.S. called upon other countries to join their coalition that includes Saudi Arabia and Russia to push for the removal of “ambiguous terms and expressions, such as sexual and reproductive health and rights,” in UN documents.<sup>137</sup>

The U.S. policies regarding abortion have had dangerous international consequences. Within President Trump’s first days in office, he reinstated and expanded the Global Gag Rule (Mexico City Policy) that prohibits U.S. health-related aid to foreign non-governmental organizations that perform abortion or even refer a patient for an abortion.<sup>138</sup> The rule has had detrimental effects, as organizations that have lost funding have rolled back or closed services, leading to decreased access to contraception and treatment for illnesses such as HIV and tuberculosis, in addition to reducing vital access to abortion services.<sup>139</sup>

While the US reneges on its responsibilities under international law to respect, protect, and fulfill the human right to an abortion, several other countries have committed to advancing sexual and reproductive health and rights. In a joint statement led by The Netherlands, fifty-eight countries responded to the Trump administration, stating that comprehensive sexual and reproductive health and rights are an integral part of implementing Universal Health Coverage and the SDGs.<sup>140</sup> There is opposition domestically as well. Four high-ranking Democratic Senators drafted a letter stating that the Trump Administration’s efforts to remove sexual and reproductive health from UN agreements violates the Siljander Amendment, which prohibits use of foreign assistance in lobbying for or against abortion.<sup>141</sup>

## The Resistance

### Historic Number of Women Elected to Public Office

A record number of women in the midterm elections were elected to the US House of Representatives. Democrats Ilhan Omar and Rashida Tlaib became the first Muslim women elected to Congress.<sup>142</sup> Democrats Deb Haaland and Sharice Davids became the first Native American women elected to

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<sup>136</sup> Liz Ford, “UN Waters down Rape Resolution to Appease US’s Hardline Abortion Stance,” *The Guardian*, April 23, 2019, sec. Global development, <https://www.theguardian.com/global-development/2019/apr/23/un-resolution-passes-trump-us-veto-threat-abortion-language-removed>.

<sup>137</sup> Sarah McCammon, “At U.N., Trump Administration Professes ‘No International Right To An Abortion,’” *NPR*, September 23, 2019, <https://www.npr.org/2019/09/23/763496171/at-u-n-trump-administration-professes-no-international-right-to-an-abortion>.

<sup>138</sup> USAID, “Protecting Life in Global Health Assistance Frequently Asked Questions and Answers,” September 2018, [https://www.usaid.gov/sites/default/files/documents/1864/Interagency\\_PLGHA\\_FAQs\\_September\\_2018\\_USAID\\_FINAL-508-v2.pdf](https://www.usaid.gov/sites/default/files/documents/1864/Interagency_PLGHA_FAQs_September_2018_USAID_FINAL-508-v2.pdf).

<sup>139</sup> Vanessa Rios, “Crisis In Care: Year Two Impact of Trump’s Global Gag Rule” (The International Women’s Health Coalition, 2019), <https://iwhc.org/resources/crisis-care-year-two-impact-trumps-global-gag-rule/>.

<sup>140</sup> Government of the Netherlands, “Joint Statement on SRHR Delivered by Sigrid Kaag, Minister for Foreign Trade and Development Cooperation,” September 23, 2019, <https://www.government.nl/documents/publications/2019/09/23/joint-statement-delivered-by-sigrid-kaag-minister-for-foreign-trade-and-development-cooperation-of-the-kingdom-of-the-netherlands>.

<sup>141</sup> Jessica Glenza, “US Effort to Remove ‘Sexual Health’ from UN Agreement May Violate Law, Say Senators,” *The Guardian*, October 30, 2019, sec. Global development, <https://www.theguardian.com/global-development/2019/oct/30/trump-administration-un-sexual-reproductive-health-senators-letter>.

<sup>142</sup> MAHITA GAJANAN, “Ilhan Omar and Rashida Tlaib Just Became the First Muslim Women Elected to Congress,” *Time*, November 7, 2018, <https://time.com/5445303/ilhan-omar-rashida-tlaib-midterm/>.

Congress.<sup>143</sup> Alexandria Ocasio-Cortez, Democrat from New York, became the youngest woman elected to Congress at age twenty-nine and Ayanna Pressley became the first African-American woman to represent Massachusetts in Congress. Both women defeated ten-term incumbent candidates in their respective primaries.<sup>144</sup> On the other side of the aisle, Republican Marsha Blackburn became Tennessee's first female Senator and Republican Kristi Noem became South Dakota's first female governor. However, both women are anti-abortion (Noem has already signed a bill restricting abortion) and Blackburn is a vocal supporter of President Trump.<sup>145</sup>

### Women are Leading Resistance Movements

Women—including women of color—are leading resistance movements in the U.S. Black Lives Matter and the Women's March were both founded by women of color, as were movements to address the climate crisis like the Green New Deal, and proposed legislation by Rep. Ocasio-Cortez that addresses climate change and economic inequality. Young activists are also leading resistance movements. Young environmentalists are fighting back against their governments' inaction on climate change. The Climate March and strike was spearheaded by Swedish teenage activist, Greta Thunberg. Fifteen other children who joined Thunberg in the submission complaining to the United Nations Committee on the Rights of the Child, arguing that Argentina, Brazil, France, Germany and Turkey have violated their human rights by failing to adequately address climate change. Similarly, young American environmentalists are suing their local governments. Sixteen children and young adults, ranging in age from seven to twenty-two, filed a lawsuit against the state of Alaska, arguing that the state has a constitutional responsibility to protect the climate as a public resource for future generations. Their goal is to overturn a state law enacted in 2010 to promote fossil-fuel development.<sup>146</sup> A decision is expected soon in the landmark climate case *Juliana v. United States*. The children and young adults who brought the suit allege that the U.S. government has impinged on their constitutional rights to life, liberty and property by promoting fossil-fuel consumption. Many legal experts expect the case to end up before the U.S. Supreme Court.<sup>147</sup> Young people are also leading the movement against gun violence. Emma Gonzalez who co-founded March for Our Lives along with other school shooting survivors became a prominent activist in the movement for gun reform.

### U.S. Cities are Resisting

Shortly after the 2016 presidential election, political scientist Benjamin Barber opined that "cities are going to become the most important, constructive alternative to a Trump agenda" particularly because cities represent the majority of Americans who voted against a Trump presidency.<sup>148</sup> Indeed, within days of President Trump's announcement that the U.S. was pulling out of the Paris Climate Accord, hundreds of local leaders proclaimed that

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<sup>143</sup> Salam, "A Record 117 Women Won Office, Reshaping America's Leadership."

<sup>144</sup> Salam.

<sup>145</sup> "South Dakota Governor Signs Bills Aimed at Curbing Abortion," *AP*, March 20, 2019, <https://apnews.com/342b34387efe4276823e0e9ce4df9c64>; Salam, "A Record 117 Women Won Office, Reshaping America's Leadership."

<sup>146</sup> Jeff Tolleson, "Kids' Climate Lawsuit to Go before Alaska Court," *Nature: International Journal of Science*, October 9, 2019, <https://www.nature.com/articles/d41586-019-03037-x>.

<sup>147</sup> Tolleson.

<sup>148</sup> Max de Haldevang, "Cities Will Be a Powerful Antidote to Donald Trump," *Quartz*, November 15, 2016, <https://qz.com/837383/cities-will-be-a-powerful-antidote-to-donald-trump-social-scientist-benjamin-barber-on-the-emergence-of-a-new-urban-radicalism/>.

they would continue to abide by the international agreement despite federal U.S. withdrawal.<sup>149</sup> Former New York City mayor Michael Bloomberg, who serves as the U.N. Special Envoy for Cities and Climate Change, announced that he would work with the United Nations to develop a new reporting mechanism to allow subnational governments to report on their climate progress.<sup>150</sup> Because of this local effort, it will still be possible to make significant progress toward achieving the emissions reductions targets set out in the Paris Accord.<sup>151</sup> When the president in 2019 threatened to transport people detained at the U.S.-Mexico border to sanctuary cities (an informal designation for localities that refrain from assisting federal immigration authorities in detaining people living in the country illegally) Democratic U.S. mayors said their cities would welcome illegal immigrants, dismissing the White House's callous approach to the issue.<sup>152</sup>

In the same vein, U.S. refusal to commit to international human rights standards on women's rights has prompted localities to adopt the principles of CEDAW into their local law. San Francisco was the first city to adopt a CEDAW ordinance in 1998 and the San Francisco Department on the Status of Women (SFDSW) was tasked with informally reporting on the city's progress to the U.N. Commission on the Status of Women (CSW).<sup>153</sup> A CEDAW ordinance draws on the spirit of CEDAW by calling upon cities to implement the two main principles of CEDAW across their programs, policies, laws, and agencies: combating sex-based discrimination and achieving substantive gender equity. The SFDSW also led the way in initiating the Cities for CEDAW (C4C) campaign, urging other local governments to adopt CEDAW as their municipal law.<sup>154</sup> The C4C campaign is a grassroots effort that provides tools and leadership to empower local women's, civil and human rights organizations and municipalities to effectively initiate CEDAW within their city, county, town, or state.<sup>155</sup> As of June 2019, nine cities and counties adopted CEDAW ordinances, thirty-two cities, counties and states have put forth CEDAW resolutions and thirty-one cities and counties are exploring resolutions or ordinances.<sup>156</sup> Several cities have released reports outlining the results of their city's gender analysis (a component of a CEDAW resolution or ordinance) while the San Francisco CEDAW ordinance has had measurable impact in the areas of women's safety, violence against women, and gender equity in the workplace.

### Actions on Women's Healthcare

Within the Trump administration's first year in office, Republicans attempted to repeal the Affordable Care Act, also known as Obamacare. The most extreme measures proposed by the Republicans was the Graham-Cassidy-Heller bill, which would have been the worst piece of legislation for women's health in a generation. The bill would

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<sup>149</sup> Maureen Groppe, "Mayors Pledge to Take the Lead on Fighting Climate Change," *USA TODAY*, June 2, 2017, <https://www.usatoday.com/story/news/politics/2017/06/02/mayors-pledge-take-lead-fighting-climate-change/102435920/>.

<sup>150</sup> Hiroko Tabuchi and Henry Fountain, "Bucking Trump, These Cities, States and Companies Commit to Paris Accord," *New York Times*, June 1, 2017, <https://www.nytimes.com/2017/06/01/climate/american-cities-climate-standards.html>.

<sup>151</sup> Martha F. Davis, "Design Challenges for Human Rights Cities," *Colum. Hum. Rts. L. Rev.* 49 (2017): 50.

<sup>152</sup> "U.S. Mayors Decry Trump Sanctuary City Threat, 'prepared to Welcome' Migrants," *Reuters*, April 12, 2019, <https://www.reuters.com/article/us-usa-immigration-sanctuary-mayors-idUSKCN1RO2E3>.

<sup>153</sup> CITY & CTY. OF S.F., DEP'T ON THE STATUS OF WOMEN, U.N. COMM'N ON THE STATUS OF WOMEN, "BEIJING DECLARATION AND PLATFORM FOR ACTION, 20TH ANNIVERSARY REVIEW: SAN FRANCISCO REGIONAL INPUT," 2014, <http://sfgov.org/dosw/sites/default/files/Beijing%2B20%20SF%20Regional%20Review.pdf>.

<sup>154</sup> "About Us," Cities for CEDAW, accessed October 4, 2017, <http://citiesforcedaw.org/about-us/>.

<sup>155</sup> "Background," Cities for CEDAW, 2017, <http://citiesforcedaw.org/background/>.

<sup>156</sup> The Leadership Conference Education Fund and Women's Intercultural Network, "Cities for CEDAW: Status of Local Activities," August 11, 2018, <http://citiesforcedaw.org/wp-content/uploads/2018/08/Landscape-Cities-for-CEDAW-Branded-for-Website-August-11-2018.pdf>. See Appendix B for chart outlining all jurisdictions that have adopted or are considering adopting CEDAW ordinances and resolutions.

have allowed insurance companies to eliminate cover care for birth control, threatened maternity care for thirteen million women, allowed insurance companies to charge more for pre-existing conditions, left at least thirty-two million people without health insurance, and prevented millions of people from getting basic care at Planned Parenthood health centers.<sup>157</sup> Due to widespread opposition from parts of the healthcare industry, grassroots level efforts from individuals on social media, on the phone, and in person, and social media campaigns across the country, Graham-Cassidy-Heller was not put to a vote.<sup>158</sup>

Despite the recent onslaught of state abortion restrictions, there have been victories for abortion rights in the courts during the past five years. In 2016, the U.S. Supreme Court ruled in *Whole Woman's Health v. Hellerstedt* that the state cannot impose an undue burden on a woman's ability to access abortion services, particularly when it comes to TRAP laws. In the fall of 2019, a judge struck down a proposed rule by Trump's Department of Health and Human Services that would have given health care providers the freedom to opt out of providing care or services, such as abortions, that violate their conscience or religious beliefs.<sup>159</sup> In fall 2019, two state abortion bans in Mississippi and Alabama were blocked by federal judges.<sup>160</sup>

The reproductive freedom movement has made progress in protecting and expanding abortion access at the state and local level since the midterm elections in 2018. In just the first six months of 2019, states enacted ninety-four bills intended to expand access to reproductive health care.<sup>161</sup> For instance, states including New York, Illinois, Vermont and Rhode Island passed laws that will guarantee the right to abortion if *Roe v. Wade* is overturned.<sup>162</sup> Nevada decriminalized self-managed abortion, while Maine expanded Medicaid coverage for abortion care.<sup>163</sup> Atlanta just created the city's first Reproductive Justice Commission, and Virginia, with its newly Democratic State Legislature, is poised to pass its own laws protecting the right to an abortion.<sup>164</sup> The incoming governor of Kentucky pledged to protect abortion rights.<sup>165</sup> Despite the many and various attacks on women's healthcare, the resistance to protect and expand coverage is mighty.

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<sup>157</sup> "Planned Parenthood Applauds End of Graham-Cassidy-Heller Bill," Planned Parenthood, September 26, 2017, <https://www.plannedparenthood.org/about-us/newsroom/press-rPlanned%20Parenthood%20Supporters%20Take%20to%20the%20Streets%20Nationwide%20to%20Protest%20Graham-Cassidy-Heller%20Billleases/planned-parenthood-applauds-end-of-graham-cassidy-heller-bill>.

<sup>158</sup> "Planned Parenthood Supporters Take to the Streets Nationwide to Protest Graham-Cassidy-Heller Bill," Planned Parenthood, September 25, 2017, <https://www.plannedparenthoodaction.org/pressroom/planned-parenthood-supporters-take-to-the-streets-nationwide-to-protest-graham-cassidy-heller-bill>.

<sup>159</sup> Selena Simmons-Duffin, "Judge Scraps 'Conscience' Rule Protecting Doctors Who Deny Care For Religious Reasons," *NPR*, November 6, 2019, <https://www.npr.org/sections/health-shots/2019/11/06/776765601/judge-scraps-conscience-rule-protecting-doctors-who-deny-care-for-religious-reas>.

<sup>160</sup> Casey Quinlan, "Mississippi's Ban on Abortions at 15 Weeks Gets Shut down Second Time," *Vox*, December 14, 2019, <https://www.vox.com/policy-and-politics/2019/12/14/21021658/mississippi-abortion-ban-15-weeks-appeals-supreme-court>; Rick Rojas and Alan Blinder, "Alabama Abortion Ban Is Temporarily Blocked by a Federal Judge," *The New York Times*, October 29, 2019, sec. U.S., <https://www.nytimes.com/2019/10/29/us/alabama-abortion-ban.html>.

<sup>161</sup> Andrea Miller, "Opinion | Gains on Abortion Access," *The New York Times*, December 18, 2019, sec. Opinion, <https://www.nytimes.com/2019/12/18/opinion/letters/abortion-access.html>.

<sup>162</sup> Miller.

<sup>163</sup> Miller.

<sup>164</sup> Miller.

<sup>165</sup> Miller.

## Recommendations

The most essential action the US government should take is to live up to all commitments made in the Beijing Platform for Action in 1995 during the UN Fourth World Conference on Women. Many recommendations made to ensure gender equality and women's empowerment remain relevant today. In addition to these, the following are emphasized related to the US context.

### Domestic Policy

- A. Ratify and implement into domestic law the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the Rome Statute of the International Criminal Court, the American Convention on Human Rights, and the Vienna Convention on the Law of Treaties.<sup>166</sup>
- B. Comply with all sections of the Universal Declaration of Human Rights.
- C. Implement into domestic law the Convention on the Elimination of All Forms of Racial Discrimination.
- D. Ratify the Equal Rights Amendment.<sup>167</sup>
- E. Renew urgency for action in all twelve critical areas of concern in the Beijing Platform for Action and in the Sustainable Development Goals.<sup>168</sup>
- F. Pass the Voting Rights Advancement Act of 2019 to restore key protections of the Voting Rights Act dismantled by the Supreme Court in 2013.

### Feminist Foreign Policy

- G. The U.S. must implement the policy and legal framework for human rights and gender equality agreed upon in numerous United Nations resolutions and global agreements into its foreign policy.<sup>169</sup>
- H. Increase the number of women leading in foreign policy and national security.<sup>170</sup>

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<sup>166</sup> Amnesty International, "HUMAN RIGHTS PRACTICE INCONSISTENT WITH INTERNATIONAL STANDARDS: Amnesty International Submission to the UN Universal Periodic Review, May 2015."

<sup>167</sup> Leslie Wright and Megan Walker, "North America" (Zonta International, 2019).

<sup>168</sup> Wright and Walker.

<sup>169</sup> Stephenie Foster, Susan Markham, and Sahana Dharmapuri, "OPERATIONALIZING A FEMINIST FOREIGN POLICY: RECOMMENDATIONS FOR THE US GOVERNMENT" (One Earth Future and Our Secure Future, Fall 2019).

<sup>170</sup> Foster, Markham, and Dharmapuri.

- I. Foreign policy and national security decision-makers should listen to, and consider, the voices and views of those most affected.<sup>171</sup>
- J. Those who provide analysis for the intelligence community, and others in the foreign policy and national security agencies, must make it a priority to gather information about what is happening in a country with respect to women and other gender issues.<sup>172</sup>
- K. Increase funds to hire specific gender experts.<sup>173</sup>

### Violence against Women

- L. Ensure the development and implementation of a national program of action to prevent gun violence.<sup>174</sup>
- M. Ensure that all reports of rape and sexual violence are promptly and thoroughly investigated, and that perpetrators are prosecuted and appropriately punished.<sup>175</sup>
- N. Develop action plans to implement SCR 1321. Develop and implement plans to eliminate violence against women and girls using strategies in the Istanbul Convention, CEDAW, and consider Every Woman Treaty.<sup>176</sup>

### Women's Health

- O. Adopt a universal healthcare system in the U.S. that provides equal access for women and girls, especially in underserved and rural areas.<sup>177</sup>
- P. Ensure that all women have equal access to timely and quality maternal health care services.<sup>178</sup>
- Q. Health impacts, and gender differences in those impacts, are mediated through socioeconomic, cultural, and physiologic factors. Policy action targeted towards these factors, which are often modifiable, can decrease negative health outcomes.<sup>179</sup>

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<sup>171</sup> Foster, Markham, and Dharmapuri.

<sup>172</sup> Foster, Markham, and Dharmapuri.

<sup>173</sup> Foster, Markham, and Dharmapuri.

<sup>174</sup> Amnesty International, "HUMAN RIGHTS PRACTICE INCONSISTENT WITH INTERNATIONAL STANDARDS: Amnesty International Submission to the UN Universal Periodic Review, May 2015."

<sup>175</sup> Amnesty International.

<sup>176</sup> Wright and Walker, "North America."

<sup>177</sup> Wright and Walker.

<sup>178</sup> Amnesty International, "HUMAN RIGHTS PRACTICE INCONSISTENT WITH INTERNATIONAL STANDARDS: Amnesty International Submission to the UN Universal Periodic Review, May 2015."

<sup>179</sup> Cecilia Sorensen et al., "Climate Change and Women's Health: Impacts and Policy Directions," *PLoS Med* 15, no. 7 (July 10, 2018): e1002603, <https://doi.org/10.1371/journal.pmed.1002603>.

- R. State legislators should work to strengthen reproductive health networks in their states by undoing harmful restrictions on abortion access and increasing funding to important reproductive health programs. States should codify *Roe v. Wade* into local law to protect abortion access.
- S. As we contend with a new climate landscape, federal, state, and local governments should develop comprehensive resiliency and adaptation plans that safeguard reproductive health care. This could mean investing in telemedicine to overcome transportation and other logistical barriers in post-disaster settings; creating emergency funds dedicated to women’s relocation given the increased risk to women’s safety directly following disasters; increasing funding to improve data collection, including disaggregation by gender and race; and even developing emergency response toolkits to help authorities respond in a way that is inclusive of reproductive health needs.<sup>180</sup>

### Climate Change

- T. Fully commit to the UNFCCC Paris Climate Accord and support the Gender Action Plan adopted in Madrid in 2020.
- U. Integrate a gender equality and women’s empowerment as well as environmental justice approach into all climate, development, and disaster-risk reduction policy frameworks at state, regional and city levels.<sup>181</sup>
- V. Federal and state policymakers must continue to build off of legislative proposals, like the Women and Climate Change Act, while strengthening state coalitions such as the U.S. Climate Alliance, which now boasts twenty-three governors leading the way toward a safer, healthier America.<sup>182</sup>
- W. Women– particularly women of color and indigenous women– must be given decision-making and leadership roles to develop a comprehensive plan to tackle climate change. They must be included as key stakeholders when federal, state and city policymakers develop resilience and adaptation solutions.<sup>183</sup>

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<sup>180</sup> Ahmed, “The Threat That Climate Change Poses to Women’s Health Is Real.”

<sup>181</sup> Sorensen et al., “Climate Change and Women’s Health: Impacts and Policy Directions.”

<sup>182</sup> Ahmed, “The Threat That Climate Change Poses to Women’s Health Is Real.”

<sup>183</sup> Ahmed.