

United States Senate

WASHINGTON, DC 20510

December 18, 2020

Her Excellency Michelle Bachelet
United Nations High Commissioner for Human Rights
Palais des Nations
8-14 Avenue de la Paix
1211 Geneva 10
Switzerland

Your Excellency:

The COVID-19 pandemic and recent allegations of forced hysterectomies here in the United States have highlighted the grave risks to health and human rights faced by migrants in detention. Together, these episodes have exposed both the lack of access to health care for migrants in detention and their vulnerability to coercion and cruel, inhuman or degrading treatment. In this context, we respectfully request your increased attention to and reporting on access to health care with a particular focus on the reproductive rights of detained migrants around the world.

Your office has been instrumental in documenting that “migrants are often discriminated against, in law and in practice, while attempting to gain access to health care,” and that “migrant women and girls face specific challenges in the field of health” including physical and sexual violence, exploitation (including sex trafficking), and sex- and gender-based discrimination.¹ Objective 15 of the Global Compact for Migration and the World Health Organization’s Framework of Priorities and Guiding Principles to Promote the Health of Refugees and Migrants call for migrants’ safe, non-discriminatory access to health services, placing a priority on reproductive health for women and adolescents.

We commend the United Nations’ call for alternatives to detention of migrants during the pandemic,² including your monitoring of unsanitary conditions and lack of access to health care at a privately-run immigration detention facility in the United States.³ But the pandemic has exposed that few—if any—global standards for access to health care exist for detained migrants, who face significant risks of coercion and challenges to informed consent.

¹ *Report of the Special Rapporteur on the Human Rights of Migrants, Jorge Bustamante*, Human Rights Council, Fourteenth Session, Agenda item 3, 16 April 2010, A/HRC/14/30.

² “COVID-19 and Immigration Detention: What Can Governments and Other Stakeholders Do?” United Nations Network on Migration Working Group on Alternatives to Immigration Detention, https://migrationnetwork.un.org/sites/default/files/docs/un_network_on_migration_wg_atd_policy_brief_covid-19_and_immigration_detention_0.pdf


³ “US: Migrants “held for processing” should be released from COVID-19 high-risk detention centres,” Office of the UN High Commissioner for Human Rights, April 27, 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25827&LangID=E>

Serious allegations that migrants at the Irwin County Detention Center were given hysterectomies and subjected to other sterilization procedures without informed consent are deeply disturbing, and it remains unclear whether such practices exist in countries other than the United States. They nevertheless add to patterns of abuse of the human rights of migrants in detention facilities in around the world, including discriminatory treatment and unethical behavior by government officials, evidence of sub-standard medical care, and harmful disrespect for migrant families.

From Libya to Nauru to Greece and Mexico, migrants in detention suffer inadequate access to health care and coercive conditions for treatment. The risks of abuse are especially grave for detained migrant women and adolescents in need of reproductive health services. We therefore encourage you to bring together relevant UN experts, including the International Organization for Migration, UN Population Fund, UN Women, and World Health Organization, to investigate and illuminate detained migrants' access to health care and reproductive rights, and to develop strategies to improve protection of these human rights.

Principle 7.11 of the 1994 International Conference on Population and Development's Program of Action states: "Migrants and displaced persons in many parts of the world have limited access to reproductive health care and may face specific serious threats to their reproductive health and rights." We urge you to reinvigorate this principle as part of your mandate.

Sincerely,



Robert Menendez
United States Senator



Tammy Baldwin
United States Senator



Cory A. Booker
United States Senator



Benjamin L. Cardin
United States Senator



Tom Carper
United States Senator



Edward J. Markey
United States Senator



Jeffrey A. Merkley
United States Senator



Tina Smith
United States Senator

CC: Mr. Felipe González Morales
United Nations Special Rapporteur on the Human Rights of Migrants