



## **UNIVERSAL PERIODIC REVIEW – FOURTH CYCLE**

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The Center for Family and Human Rights (C-Fam) is a nongovernmental organization that was founded in 1997 and has held Special Consultative Status with the UN Economic and Social Council since 2014. We are headquartered in New York and Washington, D.C., and are a nonprofit, nonpartisan research and advocacy organization that is dedicated to reestablishing a proper understanding of international law, protecting national sovereignty, and the dignity of the human person.

## INTRODUCTION

1. In 2020, the ministers and high representatives of 34 countries met to launch the Geneva Consensus Declaration, in which they committed to promoting four objectives: improve women's health, protect human life, strengthen the family as the basic unit of society, and defend the sovereignty of nations regarding their laws and policies to protect life.<sup>1</sup> The United States led the effort and was one of the original signatories and sponsors of the Geneva Consensus Declaration. While the U.S. temporarily withdrew during the previous presidential administration of Joe Biden, it rejoined the coalition following the inauguration of President Donald Trump for his second term. This report focuses on the U.S.'s fulfillment of its commitments to human rights in the context of the four pillars of the declaration.

## THE GENEVA CONSENSUS DECLARATION

2. The language of the Geneva Consensus Declaration is drawn exclusively from documents agreed by consensus, including core UN human rights treaties, the founding documents of the UN such as the Universal Declaration of Human Rights (UDHR), and major meeting outcomes such as the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population Development.

## PROTECTING WOMEN'S HEALTH

3. At the 1994 International Conference on Population and Development (ICPD), nations pledged "to enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant."<sup>2</sup> This commitment is echoed in the Geneva Consensus Declaration, alongside reaffirmations of the importance of women's equal rights and their contributions to society, both in terms of education, employment, and civic engagement and through the family. The unique and essential role of women as mothers was recognized in the Beijing Declaration and Platform for Action adopted at the 1995 UN Fourth World Conference on Women.<sup>3</sup> Both of these landmark conferences, as well as the subsequent Millennium Development Goals and Sustainable Development Goals, include commitments to reduce maternal and child mortality, and while significant progress has been made around the world, critical gaps remain, especially for those in the poorest, most remote, and resource-deprived areas.
4. According to the Maternal Mortality Estimation Inter-Agency Group (MMEIG), the U.S. was among eight countries in the world that had significant percentage increases in maternal mortality between 2000 and 2020.<sup>4</sup> While this received significant media attention, the alarming increase may have been largely due to changes in how maternal deaths were counted. These changes, which were gradually introduced during the same period of time, were intended to address the problem of undercounting of maternal deaths.<sup>5</sup> However, the U.S. still has the highest maternal mortality among high-income countries, with significant disparities between racial and socioeconomic groups.
5. Since 2022, when the U.S. Supreme Court overturned its 1973 *Roe v. Wade* ruling that established legal abortion across the entire country, the laws regarding abortion are determined at the state level. This has resulted in a patchwork of different legal standards

depending on the state. Twelve states have banned abortion entirely, while nine states and the District of Columbia have no gestational limits on abortion. The remaining states have legal abortion with gestational limits ranging from six weeks to at or near viability.<sup>6</sup>

6. As a leader in the Geneva Consensus Declaration coalition, the U.S. has the opportunity to set an important example by prioritizing maternal health care and achieving improvements in reducing maternal mortality and morbidity while also emphasizing the life and needs of the child both before and after birth. While the abortion issue remains politically divisive at both the state and national level, the U.S. government can continue to foster a culture of life both domestically and abroad.

## PROTECTING HUMAN LIFE

7. As mentioned previously, the legal status of abortion in the U.S. depends greatly on state laws, which range from very liberal to very protective of the unborn.
8. In its previous UPR sessions, the U.S. has received recommendations relating to abortion, both in terms of its foreign assistance and its domestic laws. In the first UPR cycle, Norway recommended the removal of blanket restrictions on funding for abortion in foreign aid. This was noted by the U.S. In the second UPR cycle, Norway made a similar recommendation, as did the Netherlands, the United Kingdom, Belgium, and France. All were noted by the U.S. It is notable that these recommendations were made during the presidency of Barack Obama, a member of the Democratic Party and supporter of legal abortion; nevertheless, the response of the U.S. was consistent with existing U.S. law, namely the Helms Amendment. In the third UPR cycle, the Netherlands explicitly called for the repeal of the Helms Amendment as well as the rescindment of the executive order banning U.S. global health funding to foreign-based groups that promote or provide abortion. This recommendation was made at the end of the first Trump term, but the response was made after the inauguration of President Biden, whose administration indicated support for the recommendation. Biden did rescind the executive order, which was then reinstated upon Trump's second inauguration. The Helms amendment remains law and has not been subjected to reinterpretation under any administration.
9. To the extent that the U.S. has not supported calls to change its laws regarding abortion (specifically, its laws and policies relating to foreign aid for abortion), this is entirely consistent with its human rights obligations as set out in the binding human rights treaties ratified by the U.S. as well as other international agreements. The 1994 International Conference on Population and Development (ICPD), as quoted in the Geneva Consensus Declaration, states that "any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process." The standard set at the ICPD has been repeatedly reaffirmed by international consensus, including at the adoption of the Sustainable Development Goals. No global human rights treaty ratified by the U.S. asserts a human right to abortion, or could reasonably be interpreted as including such a right.
10. As a signatory to the Geneva Consensus Declaration, the U.S. has expressed its position that abortion is not an international human right. It is therefore consistent with this position that the U.S. and other members of the Geneva Consensus Declaration coalition would reject any and all UPR recommendations to liberalize their abortion laws, as such

recommendations are not only inconsistent with national laws and priorities but also outside the scope of internationally agreed human rights standards and obligations.

11. During the third cycle of the UPR, the U.S. under the Biden administration recommended that Benin and Burkina Faso withdraw from the Geneva Consensus Declaration, implying that it is “contradictory” of the ICPD. This, too, is far outside the scope of a human rights obligation and out of place in the context of the UPR.
12. Given that the fourth UPR cycle is the first review of the U.S. since the Supreme Court returned the issue of abortion to the state level, it is likely that the U.S. will receive recommendations pertaining to its federal and state laws and policies regarding abortion. Again, according to international agreement, there is no international human rights obligation for the U.S. or any other country to allow abortion under any circumstances. Therefore, any recommendations to liberalize U.S. federal or state law or policy on abortion should be noted and not supported, even if they are consistent with the administration’s own preferences, because they are outside the scope of what is legitimate matter for a multilateral human rights mechanism.

## SUPPORT FOR THE FAMILY

13. The Geneva Consensus Declaration reaffirms the obligations of States regarding the family enshrined in international law, including the definition of the family as “the natural and fundamental group unit of society” and recognition that it is “entitled to protection by society and the State.” Signatories to the Geneva Consensus Declaration further committed to “support the role of the family as foundational to society and as a source of health, support, and care.”<sup>7</sup>
14. Despite the foundational role of the family, marriage rates have declined in the U.S., as in many developed countries, and is occurring later when it happens at all. These trends are also related to declining fertility rates, a high percentage of children born to unmarried parents, and more adults living alone.<sup>8</sup>
15. In the U.S., legally recognized same-sex marriage has existed throughout the country since the Supreme Court decision *Obergefell v. Hodges* in 2015. This decision was made without reference to any multilateral treaty or international precedent or norm. Nevertheless, under the Biden administration, the U.S. made recommendations in the third UPR cycle to Japan, the Republic of Korea, and the Republic of Serbia to legally recognize same-sex unions. These issues are not subjects on which global consensus exists, nor are they included as rights in any binding international legal instrument to which the U.S. (or the countries under review) is a party. As summarized in the Family Articles, a project of the coalition Civil Society for the Family, the right to found a family is based on the union of a man and a woman, and “[r]elations between individuals of the same sex and other social and legal arrangements that are neither equivalent nor analogous to the family are not entitled to the protections singularly reserved for the family in international law and policy.”<sup>9</sup>
16. All human beings possess the same fundamental human rights by their inherent dignity and worth, including the right to equal protection of the law without any discrimination.<sup>10</sup> Individuals who identify as lesbian, gay, bisexual, transgender, queer, etc., are protected from violence and discrimination to the same extent as any individual under equal

protection principle in human rights law. However, they are not entitled to special protections based on their sexual preferences and subjective gender identity as such.

## NATIONAL SOVEREIGNTY

17. As stated in the Geneva Consensus Declaration, concerning the legal status of abortion and the protection of the unborn, it is a matter of longstanding consensus that “each nation has the sovereign right to implement programs and activities consistent with their laws and policies.” However, opposition to this sovereign right of countries has become increasingly commonplace in those parts of the United Nations system governed more by expert opinion or bureaucratic oversight than by the standard of negotiated consensus. There is no global mandate to pressure countries to liberalize their abortion laws or expand the categories for non-discrimination as a matter of international human rights law concerning, for example, sexual orientation or gender identity, and to the extent that mandate-holders engage in such behavior, they do so *ultra vires*.
18. Nevertheless, the frequency of such pressure has only increased toward countries whose laws restrict abortion to protect the unborn, or which maintain a traditional view of marriage and the family, in line with the human rights obligations expressed in the binding treaties they have ratified. Such nonbinding opinions have been elevated in many parts of the UN, although they have never been accepted nor adopted by consensus in the General Assembly.
19. The Geneva Consensus Declaration, by anchoring its every assertion in a document adopted by consensus, reaffirms the centrality of the family, the rights of women and children and the fact that these rights are not upheld by abortion, and the importance of national sovereignty, especially in those places where global consensus does not exist.
20. Unlike other UN human rights mechanisms, the UPR provides a space for sovereign nations to speak to each other and provide encouragement to fulfill their human rights obligations. To the extent that this venue has been used to exert further pressure on countries to liberalize their abortion laws or redefine the family as a matter of national law and policy, global consensus on these matters must be upheld and promoted in the UPR as well, particularly by those countries that have already taken a stand in this regard by signing the Geneva Consensus Declaration.

## CONCLUDING RECOMMENDATIONS

21. We congratulate the U.S. on rejoining the Geneva Consensus Declaration and urge it to continue to improve women’s optimal health, including maternal health, while supporting efforts at the state and federal level to protect the lives of the unborn.
22. The U.S. should take steps to support and protect the family in law and policy, including by encouraging family formation and by removing any policies or laws that disincentivize marriage, even if unintentionally.
23. The U.S. should refrain from issuing or expressing support for any UPR recommendations that fall outside the scope of internationally agreed human rights.
24. The U.S. should continue to use its position in both bilateral and multilateral discussions to promote the Geneva Consensus Declaration and its pillars, and to continue to encourage others to join the growing coalition.

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<sup>1</sup> Geneva Consensus Declaration on Promoting Women’s Health and Strengthening the Family, 2020. Available at <https://undocs.org/en/A/75/626>

<sup>2</sup> United Nations International Conference on Population and Development. (1994). “Programme of Action of the International Conference on Population Development,” Cairo.

<sup>3</sup> United Nations Fourth World Conference on Women. (1995). “Beijing Declaration and Platform for Action” (Annex II, Paragraph 29). Beijing.

<sup>4</sup> World Health Organization, UNICEF, UNFPA, World Bank Group, and UNDESA/Population Division. Trends in maternal mortality 2000 to 2020. Available at <https://www.who.int/publications/i/item/9789240068759>

<sup>5</sup> Saloni Dattani (2024) - “The rise in reported maternal mortality rates in the US is largely due to a change in measurement” Published online at OurWorldinData.org. Available at: <https://ourworldindata.org/rise-us-maternal-mortality-rates-measurement>

<sup>6</sup> Kaiser Family Foundation. Abortion in the United States Dashboard. Data as of December 2024. Available at: <https://www.kff.org/womens-health-policy/dashboard/abortion-in-the-u-s-dashboard/>

<sup>7</sup> Geneva Consensus Declaration, *ibid*.

<sup>8</sup> Sheffield, R and Squires, D. Crossroads: American Family Life at the Intersection of Tradition and Modernity. The Heritage Foundation, March 4, 2025. Available at <https://www.heritage.org/marriage-and-family/report/crossroads-american-family-life-the-intersection-tradition-and-modernity>

<sup>9</sup> Civil Society for the Family. The Family Articles. Available at <https://civilsocietyforthefamily.org/>

<sup>10</sup> United Nations. Universal Declaration of Human Rights. 1948. Available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights>