**U.S. Human Rights Violations Against Gender-Based Violence Survivors Seeking Asylum**

A Report to the United Nations Human Rights Committee

For the Formulation of the List of Issues Prior to Reporting for the Review of the United States of America’s Compliance with the International Covenant on Civil and Political Rights

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*Co-Sponsors:*

MADRE

The Human Rights and Gender Justice (HRGJ) Clinic, CUNY School of Law

Florence Immigrant and Refugee Rights Project

The Program on Human Rights and the Global Economy (PHRGE), Northeastern University School of Law

The Immigrant and Non-Citizen Rights Clinic (INRC), CUNY School of Law

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**U.S. Human Rights Violations Against Gender-Based Violence Survivors Seeking Asylum**

# Reporting Organizations

MADRE is an international women’s humanitarian and human rights organization based in New York that collaborates with grassroots women’s organizations in settings of conflict, disaster and their aftermath, to help them meet their communities’ needs and advocate for long-term change, including gender justice. The Florence Immigrant and Refugee Rights Project (FIRRP) provides free legal and social services to detained men, women, and children under threat of deportation in Arizona. The City University of New York’s Human Rights and Gender Justice Clinic (HRGJ) clinic conducts international human rights legal advocacy campaigns addressing various forms of gender-based violence, as well as economic and social rights, and children’s rights. The Program on Human Rights and the Global Economy at Northeastern University School of Law supports cutting edge human rights scholarship and movement-building, and works with students to ensure that human rights perspectives will continue to be vital to future generations of scholars and advocates.[[1]](#footnote-1) The Immigrant and Non-Citizen Rights Clinic (INRC) at the CUNY School of Law provides legal services for immigrants seeking either to be free from U.S. custody or to live in the U.S. without fear, exploitation, or subordination.

# Issue Summary

Gender-based violence (GBV) is a recognized push factor for migration and a well-known risk in transit, particularly for women, including transgender women and girls, and for lesbian, gay, bisexual, transgender, and intersex (LGBTI) people generally.[[2]](#footnote-2) In the last decade, increasing numbers of individuals have sought asylum at the U.S.’s southern border, fleeing uncontrolled violence.[[3]](#footnote-3) A significant number of these asylum claims stem from GBV.[[4]](#footnote-4) Upon arrival at the U.S. border and within the asylum process, asylum seekers fleeing GBV encounter violations of due process and fundamental fairness, *refoulement*, discrimination based on race, gender and nationality, and cruel, inhuman, and degrading treatment (CIDT).

While many of these human rights violations are longstanding, U.S. Government officials at the highest levels, since 2016, have publicly vilified immigrants and refugees, particularly non-white and Muslim migrants, and openly questioned the gravity and credibility of GBV survivors’ asylum claims.[[5]](#footnote-5) They have also promulgated policies that erect further barriers to asylum seekers fleeing to the U.S., including those fleeing GBV.[[6]](#footnote-6) In an attempt to deny asylum to survivors of GBV and other violence, for example, the former Attorney General, in his decision in *Matter of A-B-*, framed domestic and sexual violence committed with impunity as “private criminal activity,” that does not warrant the protection of asylum.[[7]](#footnote-7) While a District Court placed an injunction on the implementation of aspects of the decision in the context of credible and reasonable fear interviews[[8]](#footnote-8)– an initial screening process that many asylum seekers must pass before being permitted an immigration court hearing in which to raise present their claims fully – immigration judges and asylum officers may still apply it in asylum cases involving GBV survivors.

# Legal Framework

**Relevant ICCPR Articles**: **Article 3**, Equal protection of civil and political rights; **Article 6,** Right to life; **Article 7**, Prohibition against torture, cruel, inhuman or degrading treatment; **Article 9**, Prohibition against arbitrary arrest or detention; **Article 10,** Requirement to treat detained people with dignity, **Article 13,** Fair access to deportation review, **Article 14**, Entitlement to a fair hearing; and **Article 26**, Equal protection.

The Human Rights Committee previously recommended that the U.S. “apply the absolute prohibition against *refoulement* under Articles 6 and 7 of the Covenant,” make more individualized decisions regarding detention and deportation of migrants, and provide migrants access to legal representation.[[9]](#footnote-9) Furthermore, in 2006, the Committee recommended that immigration officials be properly trained on immigration issues and expressed concern over increasing militarization on the southwest border with Mexico.[[10]](#footnote-10) The U.S. failed to address these recommendations in its one-year follow-up submissions.

The Committee has declared that both asylum seekers and gender-based violence survivors are particularly vulnerable and that under Article 6, State parties must take “special measures of protection” towards them.[[11]](#footnote-11) It has suggested that lengthy administrative detention can amount to violations of the prohibition against CIDT, and the requirement to treat those deprived of liberty with dignity and humanity.[[12]](#footnote-12) It also finds that detention of asylum seekers beyond that sufficient to determine identity, claim, and any potential national security threat is arbitrary in violation of Article 9, and specifically notes the importance of taking into account the effect of detention on physical or mental health.[[13]](#footnote-13) The Committee has regularly expressed concern about administrative detention of migrants, particularly trauma survivors, and has urged States to promote alternatives to detention for asylum seekers, as well as free and qualified legal representation and access to information about their cases.[[14]](#footnote-14)

Similarly, the UN Committee Against Torture (CAT) has expressed concern about administrative detention of non-citizens and urged States to promote alternatives to detention for asylum seekers, while the UN Voluntary Fund for Victims of Torture affirms that long-term detention of asylum seekers is prohibited under international jurisprudence.[[15]](#footnote-15) CAT recommended that the U.S. review its procedures related to mandatory detention of asylum-seekers and raised due process concerns regarding CBP officers’ routine failure to refer individuals in expedited removal proceedings for asylum-screening interviews as well as the detention of asylum-seekers in prisonlike conditions or in actual jails and prisons in violation of CAT articles 3, 2, 11, and 16.[[16]](#footnote-16) CAT has also noted that immigration status can intersect with gender discrimination to increase the risk of CIDT or torture for detained women and for survivors of domestic violence.[[17]](#footnote-17) On several occasions it has urged States to ensure that detained women are treated in conformity with international standards, for example, by ensuring access to medical care within detention facilities that focus on health needs specific to women,[[18]](#footnote-18) which should inherently include mental health care for survivors of GBV trauma.

# U.S. treatment of GBV survivors seeking asylum violates the ICCPR

## U.S. violations of GBV survivor asylum seekers’ rights to fundamental fairness and due process rights

Asylum seekers encounter due process violations throughout all stages of the asylum application process, impeding their ability to a mount an effective asylum claim, or to make an asylum claim at all. Those fleeing GBV face particular difficulty due to a lack of meaningful awareness or sensitivity throughout the process towards the needs of survivors, including being made to repeatedly recount sexual violence and other victimization in settings without adequate privacy or psychosocial support as part of the process of obtaining asylum.[[19]](#footnote-19)

For many asylum seekers, including those fleeing GBV, the violations begin with their interactions with Customs and Border Patrol (CBP) agents. There are multiple reports of CBP officers physically preventing asylum seekers from reaching a port of entry to make their claim, a gross violation of fundamental fairness and due process rights.[[20]](#footnote-20) Recently, immigration attorneys and advocates have received numerous accounts of CBP agents arbitrarily denying asylum seekers their right to a credible fear interview which they must pass before they can present their claims fully in immigration court.[[21]](#footnote-21) CBP officers often fail to refer individuals with viable asylum cases for credible fear interviews and provide false information to asylum seekers.[[22]](#footnote-22)

Lack of translation limits many asylum seekers’ ability to communicate their fear to CBP officers.[[23]](#footnote-23) CBP officers have also made asylum-seekers sign English summations of their fear claims that are not representative of what the individual actually told the CBP officer or falsely state the person claimed no fear of return.[[24]](#footnote-24) For example, one asylum-seeking survivor of GBV who has been detained since arriving in the U.S. in mid-2017, was made by CBP officers to sign a document in English, a language she does not understand, which stated that she did not fear returning to her native country, something she was never asked.[[25]](#footnote-25) Another detained asylum seeker fleeing GBV was made to sign a form in English by CBP officers upon her arrival in mid-2018, despite the fact that Chu is her first language, and she only understands a little Spanish, but not any English.[[26]](#footnote-26) When CBP officers actually question asylum-seekers about their reasons for fearing return to their home country, the initial screenings often occur in open, non-confidential spaces before armed CBP officers.[[27]](#footnote-27) GBV survivors bear the additional burden of having to disclose details of traumatic experiences often involving physical and sexual violence, and their children may be present during the screening.[[28]](#footnote-28)

Credible fear interviews with U.S. Citizenship and Immigration Services (USCIS) Asylum Officers are another site of due process violations, and asylum seekers encounter inadequate translation, lack of legal representation and psychosocial support, and a failure on the part of officers to conduct trauma-informed interviews.[[29]](#footnote-29) Conditions discouraging disclosure can harm asylum seekers fleeing GBV at later stages of the asylum process if their testimony before an immigration judge is inconsistent with or simply adds to the statements made during the credible fear interview.[[30]](#footnote-30) Asylum advocates have interviewed numbers of women trauma survivors placed in expedited removal proceedings who found they could not describe their stories to asylum officers or immigration judges because of the trauma’s severity, a situation that resulted in deportation for many of them.[[31]](#footnote-31) These survivors were only able to share these stories to advocates with the assistance of mental health professionals,[[32]](#footnote-32) something not provided during their credible fear interview process. Recent USCIS guidance memos implementing the *Matter of A-B-* decision in credible fear interviews encourage further due process violations against asylum seekers fleeing gender-based violence.[[33]](#footnote-33) While a District Court recently issued an injunction on the application of *Matter of A-B-* in the context of credible fear interviews, the use of the case in the context of full asylum adjudication by asylum officers and immigration judges was not before the District Court and so is not subject to the injunction.[[34]](#footnote-34) Furthermore, the government has requested a stay of the injunction while they consider an appeal.

In hearings before immigration judges, asylum seekers often lack adequate interpretation and legal representation, face unreasonable evidentiary standards, and frequently must fight their cases while in detention.[[35]](#footnote-35) One GBV survivor asylum seeker, for example, has been detained since 2014 because she is unable to pay a $35,000 bond.[[36]](#footnote-36) In recent years, rates of legal representation have decreased as asylum denial rates rise.[[37]](#footnote-37) For detained immigrants, representation rates are even lower due to restricted mobility, strict visitation rules, the remote locations of detention centers, and frequent transfers of asylum seekers between facilities without notice.[[38]](#footnote-38) The psychological and physical impacts of detention on trauma survivors can also affect case outcomes. Some women waive their appeal rights simply to leave detention, even though they are aware they will be returned to the dangerous circumstances they fled.[[39]](#footnote-39)

The arbitrary nature of case adjudications exemplifies the lack of fundamental fairness asylum seekers face before immigration judges. Winning one’s asylum case often depends on the immigration judge assigned to the case, instead of the merits of the claim.[[40]](#footnote-40) In Eloy, AZ, the district in which all women asylum seekers in Arizona are detained, immigration judge asylum denial rates from 2013-2018 have ranged between 91.4% and 96.9% and in Florence, Arizona between 91.8% and 94%.[[41]](#footnote-41) Judges have in some cases displayed a gross lack of understanding of the nature of gender-based violence, and even demonstrated insensitivity to survivors as they are made to tell their story of victimization as part of the asylum process. In the fall of 2018, for example, one asylum-seeker broke down in tears during her asylum hearing as she described harrowing physical and sexual abuse and estimated that she had been beaten by her abuser at least 200 times.[[42]](#footnote-42) After hearing the testimony, the immigration judge said in open court that the woman’s case was a mere “custody dispute” instead of a case of grave GBV that merited protection.[[43]](#footnote-43)

## U.S. violations of GBV survivor asylum seekers’ right to non-refoulement

By failing to allow GBV survivors to mount effective asylum claims, the U.S. violates its international obligations to refrain from returning refugees to territories where their lives would be threatened[[44]](#footnote-44) or where they would face a substantial risk of torture.[[45]](#footnote-45) Evidence indicates that the *refoulement* risk increases through the U.S.’s prolonged detention policies and practices. Deleterious impacts of detention in prison-like conditions on GBV trauma survivors have led some to waive their right to appeal erroneous asylum decisions in order to leave detention, resulting in their deportation back to the dangerous conditions they fled.[[46]](#footnote-46) Women survivors of GBV can face high risks of violence and difficult conditions upon return to their countries of origin. According to one report, “[s]afehouse operators and lawyers in El Salvador report that returned women are often forced to relocate internally and remain socially anonymous for fear of detection by the gangs or partners they fled.”[[47]](#footnote-47) Advocates have documented cases of women survivors being revictimized in their country of origin after losing their asylum cases.[[48]](#footnote-48) The decision in *Matter of A-B-* could result in more deportations of asylum seekers fleeing life-threatening GBV where judges interpret the Attorney General’s statement that domestic violence-based asylum claims “will rarely, if ever, succeed”[[49]](#footnote-49) as akin to a rule against recognizing such claims.

## U.S. violations of GBV survivor asylum seekers’ rights to equality and non-discrimination.

The context in which asylum seekers seek refuge in the U.S. is rife with race and gender discrimination, in violation of the ICCPR’s principles of equality and non-discrimination. Talk about “anchor babies” and the loaded term “chain migration,” to describe immigrants from the developing South, vilifies immigrants and asylum seekers of color who are fleeing GBV.[[50]](#footnote-50) In office and during his campaign, Donald Trump used words like “animals” to refer to migrants from Mexico and Central America, stating that Mexican immigrants are “rapists” who bring drugs and crime to the U.S., and questioning why the U.S. did not receive more immigrants from Norway rather than “shithole countries” like Haiti and all of Africa, among other xenophobic comments.[[51]](#footnote-51) The sexist, racist rhetoric supports an array of policies, including the termination of Temporary Protected Status for Central Americans, Haitians, and Sudanese amongst others, and more recently the *Matter of A-B-* decision.[[52]](#footnote-52) These policies discriminate against immigrants of color and those fleeing GBV.

Sexist language in the Attorney General’s ruling in *Matter of A-B-* demonstrates discriminatory intent to preclude GBV survivors from achieving asylum. The government puts forth a worldview that domestic violence is not a pervasive and systemic societal ill, borne out of privilege, power and perceived gender roles. Instead, it compares perpetrators of domestic violence to “private criminals” motivated by “greed or vendettas,” and dismisses domestic violence as mere “private violence,”[[53]](#footnote-53) taking us back to a time when that was the predominant narrative about GBV. In addition, the government proposes a more stringent test to prove asylum eligibility in cases involving persecution by private actors, stating that “[t]he applicant must show that the government condoned the private actions ‘or at least demonstrated a complete helplessness to protect the victims.’”[[54]](#footnote-54) This worldview goes against our international treaty obligations, research on domestic violence and its pervasiveness, as well as U.S. domestic law.

## U.S. violations of GBV survivor asylum seekers’ right to be protected from cruel, inhuman and degrading treatment.

This Committee has recognized the particular vulnerability of asylum seekers and of gender-based violence survivors and called on State parties to take “special measures of protection” towards them.[[55]](#footnote-55) It has also inferred that lengthy administrative detention can amount to violations of the prohibition against CIDT, and the requirement to treat those deprived of liberty with dignity and humanity.[[56]](#footnote-56) U.S. policy and practices place GBV survivor asylum seekers at risk of CIDT by failing to account for their vulnerable status, both as survivors and as asylum seekers. The asylum process places profound stress on GBV survivors, forcing them to recount their stories of victimization repeatedly, without access to adequate psychosocial supports. In addition, GBV survivor asylum seekers are often subject to prolonged detention.

Under U.S. law, asylum seekers who flee to a U.S. port of entry to make their claim must be detained,[[57]](#footnote-57) and can be detained for the length of their asylum application process. Authorities have a long history of detaining asylum seekers for months or years by failing to properly implement parole for “arriving” asylum seekers, with arriving asylum seekers “rarely if ever [being] released on parole.”[[58]](#footnote-58) By detaining asylum seekers in such a manner, the U.S. contravenes its obligations under the UN Refugee Convention, the ICCPR, and other human rights standards, and creates compounding trauma for GBV survivor asylum seekers. For example, a detained woman asylum seeker recently told human rights documenters that detention in the U.S. “is another form of torture.”[[59]](#footnote-59) In another case, a gay male asylum seeker who was detained in the U.S. for over a year and a half after fleeing his native Nigeria following an attack by an anti-gay mob attempted suicide in detention.[[60]](#footnote-60) Despite his having been diagnosed with psychosocial disabilities, authorities threatened him with solitary confinement and other mistreatment.[[61]](#footnote-61)

A 2015 study found at least half of detained women and children asylum seekers had symptoms of PTSD.[[62]](#footnote-62) Service providers familiar with conditions in detention centers regularly report that mental health services are inadequate or completely absent.[[63]](#footnote-63) Reporters recently revealed that U.S. government investigators found extreme shortages of physical and mental health professionals and lack of a staff psychiatrist at the Stewart Detention Center ICE facility in Georgia.[[64]](#footnote-64) It is well-documented that surviving GBV in itself can have significant mental health impacts.[[65]](#footnote-65) The compounding trauma of detention can be so profound that women asylum seekers have agreed to waive their right to appeal erroneous denials of asylum, despite facing extreme danger upon deportation, simply to escape detention’s harmful physical and mental health impacts.[[66]](#footnote-66) One asylum seeker detained in Eloy, AZ told human rights advocates in late 2018 that she feels “hopeless and anxious” and has thought of giving up every day during the almost two years she has been detained despite her awareness that she would be in grave danger if deported.[[67]](#footnote-67) This survivor faced sexual, emotional, and physical violence from her family, sought and was denied protection in the U.S. previously, and was raped by gang members upon deportation and subject to further beatings from a family member.[[68]](#footnote-68) She fled again to the U.S. and has been detained since her arrival.[[69]](#footnote-69) She stated that in detention she is only able to see a mental health professional once a month which is insufficient to meet her mental health needs. The mental health professional is male and she feels uncomfortable sharing her traumatic experiences with him.[[70]](#footnote-70) Another GBV survivor asylum seeker who has been detained since mid-2017 stated that she is seen by a male mental health professional every three weeks for 5-10 minutes.[[71]](#footnote-71) Despite fearing the danger she would face upon deportation to her native country, she recently told her lawyer, “honestly, I can’t take [detention] anymore.”[[72]](#footnote-72)

# Recommended Questions

* + - 1. What measures has the U.S. taken to rescind *Matter of A-B-* and ensure that asylum claims of domestic violence survivors are adjudicated in accordance with international norms?
      2. What measures is the U.S. taking to provide qualified interpreters for all asylum seekers, including Indigenous language speakers, at the time of apprehension, during any period of detention, in conversations with lawyers, and during asylum interviews and hearings? What measures is the U.S. taking to provide translations of written materials reflective of literacy and education levels, and in Indigenous languages?
      3. What measures has the U.S. taken to guarantee legal counsel for asylum seekers?
      4. What measures has the U.S. taken to release asylum seekers on apprehension with a Notice to Appear and clear instructions on when and where to appear in court, to end detention of asylum seekers pending their case outcomes, and to invest in community-based case management alternatives to detention?
      5. What measures has the U.S. taken to consult with women’s and gender-based violence survivors’ advocates, in order to develop and implement training and protocol for officials who interact with gender-based violence survivors seeking asylum, from DHS and its sub-agencies, as well as Immigration Judges, on best practices and trauma-informed approaches to interviewing survivors and ensuring asylum seekers understand their legal rights?
      6. What measures has the U.S. taken to suspend use of “fast-track” removal methods, such as expedited removal and reinstatement of removal that remove these decisions from judicial decision-making?
      7. What measures has the U.S. taken to reform the asylum system to ensure efficient and consistent adjudication of asylum claims and eliminate procedural rules that block asylum claims from being heard?

1. The co-sponsors appreciate the contributions of Alissa Weinberger of the PHRGE program at NUSL to this report. [↑](#footnote-ref-1)
2. Migration Policy Institute, *Gender Based Violence Against Women: Both Cause for Migration and Risk Along the Journey*, (Sept. 7, 2017) <https://www.migrationpolicy.org/article/gender-based-violence-against-women-both-cause-migration-and-risk-along-journey>; UNHCR, Women on the Run 15-30 (2015) *available at* <http://www.unhcr.org/en-us/publications/operations/5630f24c6/women-run.html>. [↑](#footnote-ref-2)
3. The number of asylum seekers originating from the Northern Triangle reached 110,000 in 2015, a five-fold increase from 2012. Rocio Cara Labrador & D. Renwick, Council on Foreign Relations, *Central America’s Violent Northern Triangle* (June 26, 2018), *available at* <https://www.cfr.org/backgrounder/central-americas-violent-northern-triangle>. *See also* UNHCR, Women on the Run, 2-6 (2015), *available at* <http://www.unhcr.org/en-us/publications/operations/5630f24c6/women-run.html>; Amnesty Int’l, Refugees Are in Urgent Need of Protection from Sexual and Gender-Based Violence (Nov. 25, 2016), <https://www.amnesty.org/en/latest/news/2016/11/refugees-are-in-urgent-need-of-protection-from-sexual-and-gender-based-violence/>. [↑](#footnote-ref-3)
4. Center for Gender & Refugee Studies, *Groundbreaking Ruling Recognizes Domestic Violence as Basis for Asylum* (2014), <https://cgrs.uchastings.edu/our-work/domestic-violence>. [↑](#footnote-ref-4)
5. Katie Benner and Caitlin Dickerson, *Sessions Says Domestic and Gang Violence are not Grounds for Asylum*, NY Times (June 11, 2018), *available at* <https://www.nytimes.com/2018/06/11/us/politics/sessions-domestic-violence-asylum.html>; Josh Hafner, *Trump calls undocumented people 'animals,' rhetoric with a dark past*, USA Today (May 16, 2018), *available at* <https://www.usatoday.com/story/news/politics/onpolitics/2018/05/16/trump-calls-undocumented-immigrants-animals-echoing/617762002/>; Eli Watkins and Abby Phillip, *Trump decries immigrants from 'shithole countries' coming to US*, CNN (Jan. 12, 2018), *available at:* <https://www.cnn.com/2018/01/11/politics/immigrants-shithole-countries-trump/index.html>, Ben Jacobs, *Trump says Syrian refugees aren't just a terrorist threat, they'd hurt quality of life*, The Guardian (Sept. 21, 2016), *available at* <https://www.theguardian.com/us-news/2016/sep/21/trump-syrian-refugees-terrorism-quality-life-bombing-attacks>; Adam Serwer, “Jeff Sessions' Fear of Muslim Immigrants”, The Atlantic (Feb. 8, 2017), *available at:* <https://www.theatlantic.com/politics/archive/2017/02/jeff-sessions-has-long-feared-muslim-immigrants/516069/>; Patrick J. McDonnell & Tracy Wilkinson, “Pence tells Central American leaders to do more to stem illegal immigration to the U.S.”, Los Angeles Times (June 28, 2018), *available at* <http://www.latimes.com/world/la-fg-guatemala-migrants-pence-20180628-story.html>; *Matter of A-B-*, 27 I&N Dec. 316 (A.G. 2018). [↑](#footnote-ref-5)
6. *E.g.*, Matter of A-B-, 27 I&N Dec. 316 (A.G. 2018); Executive Order 13769, Protecting the Nation from Foreign Terrorist Entry into the United States, often referred to as the Muslim ban or the travel ban. [↑](#footnote-ref-6)
7. Matter of A-B-, 27 I&N Dec. 317, 320 (A.G. 2018). [↑](#footnote-ref-7)
8. *Grace v. Whitaker*, No. 18-cv-01853 (EGS), 2018 WL 6628081 (U.S. Dist. Ct. D.C. Dec. 17, 2018). [↑](#footnote-ref-8)
9. Human Rights Committee, *Concluding Observations on the United States of America*, ¶¶ 13, 15, UN Doc. CCPR/C/USA/CO/4 (2014). The Committee holds that States violate articles 6 and 7 if they return foreigners who have substantial grounds for a belief that their life is at risk, and requires procedures to ensure protection against *refoulement*. Human Rights Committee, General Comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, ¶¶ 30, 31, 55. [↑](#footnote-ref-9)
10. Human Rights Committee, *Concluding Observations on the United States of America*, **¶** 27 UN Doc. CCPR/C/SR.2395 (2006). [↑](#footnote-ref-10)
11. Human Rights Committee, *General Comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life*, ¶ 23 (2018). [↑](#footnote-ref-11)
12. Human Rights Committee, *Concluding Observations on Costa Rica*, ¶ 10, UN Doc. CCPR/C/CRI/6 (2014). Human Rights Committee, *Concluding Observations on Austria*, ¶ 17, UN Doc. CCPR/C/AUT/CO/4 (2007). [↑](#footnote-ref-12)
13. Human Rights Committee, *General Comment No. 35 article 9 (Liberty and security of person),* **¶** 18 (2014). [↑](#footnote-ref-13)
14. Human Rights Committee, *Concluding Observations on Sweden*, ¶ 17, UN doc. CCPR/C/SWE/CO/6 (2007); Human Rights Committee, *Concluding Observations on Austria*, ¶ 17, UN Doc. CCPR/C/AUT/CO/4 (2007). [↑](#footnote-ref-14)
15. *See, e.g.,* CAT Committee, *Concluding Observations on Australia*, ¶ 11, UN Doc. CAT/C/AUS/CO/3 (2008); CAT Committee, Concluding Observations on Finland, ¶ 18, UN Doc. CAT/C/FIN/Co/5-6 (2011); CAT Committee, *Concluding Observations on Hungary*, ¶ 9, UN Doc. CAT/C/HUN/CO/4 (2007); CAT Committee, *Concluding Observations on Italy*, ¶ 9, UN Doc. CAT/C/ITA/CO/4 (2007); CAT Committee, *Concluding Observations on Turkey*, ¶ 15, UN Doc. CAT/C/TUR/Co/3 (2011); CAT, *Concluding Observations on Ukraine*, ¶ 20, UN Doc. CAT/C/UKR/CO/5 (2007); CAT Committee, *Concluding Observations on Latvia,* ¶ 6-7, UN Doc. CAT/[C.CR/31/3](http://c.cr/31/3) (2004); *Concluding Observations on Croatia*, ¶ 9, UN Doc. CAT/[C.CR/32/3](http://c.cr/32/3) (2004). "Detention in special centres/retention centres must be accompanied by special safeguards and limitations. Thus, the long-term detention of asylum seekers while their asylum claims are considered is prohibited." The UN Voluntary Fund for Victims of Torture, Interpretation of Torture in Light of the Practice and Jurisprudence of International Bodies, 10 (2010). [↑](#footnote-ref-15)
16. CAT Committee, *Concluding Observations on the United States of America*, **¶** 18-19, UN Doc.

    CAT/C/USA/CO/3-5 (2014). [↑](#footnote-ref-16)
17. CAT Committee, General Comment No. 2: Implementation of Article 2 by States parties, ¶ 22 (2008). [↑](#footnote-ref-17)
18. CAT Committee, *Concluding Observations on Bolivia,* ¶ 18, UN Doc. CAT/C/BOL/CO/2 (2013); CAT Committee, *Concluding Observations on Greece*, ¶ 20, UN Doc. CAT/C/GRC/CO/5-6 (2012); CAT Committee, *Concluding Observations on Honduras*, ¶ 17, UN Doc. CAT/CHND/CO/1 (2009); CAT Committee, *Concluding Observations on Japan*, ¶ 13, UN Doc. CAT/C/JPN/CO/2 (2013). [↑](#footnote-ref-18)
19. Alana Mosley, *Re-Victimization and the Asylum Process*, 36 Law & Inequality: J. of Theory & Practice 2, 321-323 (2018), *available at* https://scholarship.law.umn.edu/cgi/viewcontent.cgi?article=1600&context=lawineq. [↑](#footnote-ref-19)
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