

Center for the Victims of Torture

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.cvt.org/blog/healing-and-human-rights/necessity-human-rights-year-round-including-right-seek-asylum>

Public Facing Advocacy Writing

December 10 is Human Rights Day, and this years United Nations theme of Recover Better Stand up for Human Rights is apropos in more ways than one. The UN intended for this theme to be timely and apply to the COVID-19 pandemic. Both a crisis and its resolution have a tendency to highlight inequity, and this virus has had similar implications, leading the UN to push for human rights to remain central to the recovery process of the U.S. and other impacted countries during this time.

This theme, and the official action it demands, applies directly to survivors of torture, especially those seeking safety in the United States. Article 14 of the [Universal Declaration of Human Rights](#) clearly states that, **Everyone has the right to seek and to enjoy in other countries asylum from persecution.** However, countries including the United States have violated their obligation to fulfill this right. Under COVID-19 orders in particular, the Trump administration has effectively closed the U.S. Southern border to asylum seekers and unaccompanied children on public health grounds that many public health experts have described as specious and discriminatory. The result has been to force or expel those individuals to Mexico or back to countries of origin without a meaningful opportunity to assess whether they have a need for protection, and potentially risking returning them back to the danger they fled.

Rehabilitative care after seeking asylum because of torture is critically important, but access to care can be unobtainable, even though the right to rehabilitation is provided for in the [Convention](#) against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Everyone, regardless of their native language, religion, race or ethnic origins, should be able to live a safe life that includes healing.

Criminally charging asylum seekers for crossing the border between ports of entry is an egregious affront to both the right to seek asylum and to receive rehabilitation from torture. Andrea Crcamo, CVT senior policy counsel, noted that By binding itself to the Refugee Conventions 1967 Protocol, the United States promised that it would follow what the convention itself dictates," which includes protecting refugees from return to persecution and not penalizing them for improper entry or presence. This was an agreement between international parties after what happened in World War II and the attempt to eradicate an entire group of individuals, she said. And, it is important for the U.S. to respect the convention because other nations often look to the United States as an example of what to do. When the U.S. violates well-settled rights, it emboldens other countries to do the same.

For those asylum seekers who manage to access the U.S. asylum system, we must acknowledge that the system and its process are themselves traumatic. Subjecting asylum seekers to detention, which is often indefinite in nature, is especially harmful. Recent rules requiring waiting periods of up to a year after filing an asylum application before asylum seekers can apply for work permits can negatively impact the mental health of those who have already lost so much. This inability to work in the formal economy is often compounded by a years-long wait for a decision on an asylum application. Because this process often takes years, those who have fled dangerous areas are usually forced to be separated from their families for that time, as the process must be complete before loved ones are legally allowed over.

Organizations like CVT are dedicated to treating survivors of torture and asylum seekers as whole people, and believe that their human rights must be upheld. This Human Rights Day, consider all the ways that recovering better can apply to individuals not only living in the U.S. with COVID-19, but those who are stuck at the border, those who have been separated from their children, and those who have contracted the virus and have no way of receiving treatment due to detainment. The policies and practices that have created those circumstances either violate or undermine human rights, and are ones that we all should be aiming to eradicate, regardless of who is in office.

By Taneasha White, contributing writer

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