

March 30, 2020

Dear U.S. State Department Commission on Unalienable Rights,

As a human rights scholar and advocate, I write to express my deep concern with the Commission's work to date, and the potential harm that a final report produced by the Commission, in line with its mandate and the views expressed by several of its members, may have on internationally recognized human rights, particularly the ways it will eliminate rights for LGBTQI individuals, restrict sexual and reproductive health and rights and remove protections for other marginalized communities across the globe.

As you know, the Commission is an advisory body that was organized and chartered by the Secretary of State under the Federal Advisory Committee Act ("FACA"). The purpose of the Commission, according to Secretary of State Mike Pompeo, is to identify which internationally recognized human rights are "unalienable" and which are "ad hoc," in apparent opposition to U.S. treaty and legal obligations and longstanding foreign policy positions. From its inception, the Commission's mandate, the opaque process by which it came into being, the duplicative nature of the body vis-à-vis the State Department's legally authorized human rights bureau, the publicly-stated views of several of its members, and the lack of diversity of expertise of its membership have deeply troubled hundreds of human rights organizations, human rights scholars, and other concerned citizens, who previously asked that the Commission be disbanded. Over the past several months, the work of the Commission has only reinforced these concerns.

To date, the Commission has held five meetings. These have been made accessible only to a small number of individuals who have been able to register in advance and dedicate up to six hours to observing the proceedings in person at the State Department in Washington, D.C. To date, the Commission has also largely ignored the procedural requirements of FACA, including by failing to make all Commission records available to the general public.

It is only through the reporting of human rights advocates that the public has been made aware of the deeply troubling views expressed by several commissioners. These views as articulated support one of our initial concerns; namely, that the Commission's objective is to produce recommendations that would narrow the scope of U.S. obligations under international human rights law and justify a ranking of rights that prioritize some, such as the right to freedom of religion, over others. Given the past statements of several commissioners, including the body's chairperson, I remain strongly concerned that the Commission's work may seek to justify the rolling back of hard-won advances in areas such as the rights of women, girls, and LGBTQ persons.

As has been widely documented by many of organizations, the Trump administration has produced an abysmal policy record concerning internationally recognized human rights. Under the leadership of President Trump, Secretary Pompeo, and other cabinet members, the administration that chartered the Commission on Unalienable Rights has detained migrant children and separated them from their parents; denied individuals their legal right to seek asylum; facilitated widespread Saudi and Emirati war crimes in Yemen; downplayed human

rights abuses in countries from North Korea to Central Asia to the Persian Gulf; actively rolled back reproductive health rights at home and abroad; verbally attacked the concept of a free press and individual reporters; and undermined America's independent judiciary, among other actions.

Unlike the work of the Commission thus far, a good faith review of the role of human rights in U.S. government policy would necessarily focus on how the U.S. could both improve its human rights record at home and promote greater protections for *all* human rights abroad. Such a commission would start by reaffirming the U.S. government's commitment to the international human rights framework as defined by the UDHR and the subsequent human rights treaties. The commission would make clear that the rights recognized in both the ICCPR and ICESCR are indivisible, interdependent, and enjoyed by all people, regardless of where they come from, what they look like, or who they love. Finally, a properly constituted commission would also recognize that it is in the U.S. government's national interest to make the promotion and protection of human rights a cornerstone of U.S. foreign policy, and would recommend appropriate changes to Trump administration policy.

I have been studying human rights from an academic perspective for over 10 years, and working as advocate for even longer with organizations such as the Global Justice Center, Amnesty International, the International Center for Transitional Justice, and Freedom House. The nature of this commission is deeply worrisome to me and I strongly advocate for its disbandment under its current form.

Dr. Debbie Sharnak, PhD
Assistant Professor of History and International Relations
Rowan University
sharnak@rowan.edu