

3/27/2020

To: U.S. State Department Commission on Unalienable Rights

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, including those related to LGBTQIA+ and women's reproductive health.

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"). There is already a lawsuit filed regarding alleged FACA violations.

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." However, the Commission's charter fails to demonstrate the need for its existence and how it serves the public interest. There are existing processes for outside expertise as well as human rights work done inside the State Department.

The composition of the Commission is also of concern. While the Commissioners are experts in the field of human rights, they have a noticeable bent. Many members' expertise are in religious freedom or public ethics. The body contains no experts on women's rights, children's rights, reproductive freedom, LGBTQ rights, immigrants' rights, or asylum protections. There are critics of reproductive rights and LGBTQ rights, but no advocates of such rights.

We are concerned that the true purpose of the Commission is to allow freedom of religion to override other rights, including personal liberty, the right to health and freedom from discrimination. In fact, some Commissioners have expressly stated that freedom of religion is a superior right, and others are inferior to that, if they are in conflict; this is in direct opposition to the Universal Declaration of Human Rights (UDHR). Given the past statements of several commissioners, including the body's chairperson, we 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.

Therefore, we recommend that changes be made to increase the transparency of the Commission and the diversity of the Commissioners. We recommend that the Commission be clear that human rights are not hierarchical, and that no right trumps another. The Commission must reaffirm the U.S. government's commitment to the international human rights framework as defined by the UDHR and subsequent human rights treaties. We recommend that the Commission ensure that full and complete human rights are a part of the United States agenda both abroad and at home.

Sincerely,
Mary Alice Carter
Senior Advisor
Equity Forward