



Planned Parenthood Federation of America, Inc.

April 3, 2020

Commission on Unalienable Rights
U.S. Department of State
2201 C St. NW
Washington, D.C. 20520

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

As the nation's leading reproductive health care provider and advocate, Planned Parenthood Federation of America (PPFA) takes every opportunity to weigh in on proposals that impact the communities that we serve across the country and partner with globally. Planned Parenthood is a trusted, nonprofit source of primary and preventive care for women, men, and young people in communities in the United States. Each year, Planned Parenthood's more than 600 health centers in the U.S. provide affordable birth control, lifesaving cancer screenings, testing and treatment for sexually transmitted diseases (STDs), and other essential care to 2.4 million patients. Planned Parenthood health centers also provide abortion services and ensure that people have accurate information about all of their reproductive health care options. The majority of Planned Parenthood patients have incomes at or below 150 percent of the Federal Poverty Level (FPL). Planned Parenthood Global, Planned Parenthood's international arm, works overseas to break down barriers to health care. In partnership with more than 100 organizations across sub-Saharan Africa and Latin America, we advance the health and rights of young people, women, and families. Planned Parenthood Global's partners provide, promote, and defend access to care for communities that are underserved and face multiple barriers to health services.

Today, we write to express our deep concern regarding the Commission on Unalienable Rights and the harm its expected final report will have on long-established and internationally recognized human rights, particularly the right to sexual and reproductive health.

PPFA is gravely concerned with the purpose of the Commission, as articulated by Secretary of State Mike Pompeo, who has stated that it is to identify which internationally recognized human rights are "unalienable" and which are "ad hoc."¹ In contrast, the Universal Declaration of Human Rights (UDHR), the fundamental document establishing the international human rights framework, recognizes that human rights are indivisible and universal. This Commission's mandate seeks to strip hard-fought rights away from some of the world's most marginalized communities, including women, young people, LGBTQ people, migrants and refugees, indigenous peoples, people living in rural areas, and others, rather than seeking a world in which

¹ See Michael Pompeo, *Unalienable Rights and U.S. Foreign Policy*, Wall Street Journal, (July 7, 2019), <https://www.wsj.com/articles/unalienable-rights-and-u-s-foreign-policy-11562526448>.



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all people enjoy human rights. The work of the Commission to date has only reinforced these concerns.

We have also been deeply troubled by the assertions made by Secretary Pompeo and commissioners regarding “alleged”² or “new”³ human rights. It has been asserted that one of these “new” rights is the right to sexual and reproductive health. However, this is simply not the case. The United States is party to the legally binding International Covenant on Civil and Political Rights (ICCPR). In 2018, the UN Human Rights Committee published General Comment No. 36 on the right to life, Article 6 ICCPR. Paragraph 8 stated “restrictions on the ability of women or girls to seek abortion must not, inter alia, jeopardize their lives, subject them to physical or mental pain or suffering which violates article, discriminate against them or arbitrarily interfere with their privacy.” It further declared, “States parties should not introduce new barriers and should remove existing barriers that deny effective access by women and girls to safe and legal abortion, including barriers caused as a result of the exercise of conscientious objection by individual medical providers.”⁴ Furthermore, the U.S. is a signatory of the Programme of Action of the International Conference on Population and Development (ICPD), the Beijing Declaration and Platform for Action, and the 2030 Agenda for Sustainable Development, each of which contain commitments to ensure universal access to sexual and reproductive health information, education, services, and rights.

PPFA has been alarmed by comments made by members of the Commission during public hearings, and is concerned that the Commission seeks to prioritize freedom of religion over other rights, such as the right to health or the right to be free from discrimination. Planned Parenthood knows how important it is that people have access to quality health care and information they can trust. Already, too many people in this country and around the world are denied, often without realizing it, access to medically-accurate information and care because of a health care provider’s or employer’s personal beliefs. Prioritizing freedom of religion over other human rights would make it easier for health care workers to refuse care, disproportionately impacting women, LGBTQ people, people with low incomes, people from rural areas, and other people already experiencing barriers to care. Additionally, though these so-called “conscience protections” purport to be protecting the “personal freedom” of health care workers, they selectively ignore the many workers who are prevented from following their conscience by restrictions on care imposed by their employers.

² During the Commission’s second meeting (held 11/1/2019), the Chair of the Commission, Mary Ann Glendon, stated that it was the responsibility of the Commission “to help the U.S. to think more clearly about alleged human rights”

³ See Michael Pompeo, Remarks on Commission on Unalienable Rights, (October 23, 2019), at <https://www.state.gov/commission-on-unalienable-rights-public-meeting>.

⁴ Human Rights Committee, General Comment No. 36: Art. 6 (Right to Life), U.N. Doc. CCPR/C/GC/36 (Oct. 30, 2018).



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PPFA also remains concerned by remarks by Secretary Pompeo and several of the commissioners, who argued that a “proliferation” of human rights claims has undermined “fundamental” individual rights, such as freedom of religion and freedom of speech.⁵ This is deeply alarming, and has underscored for many members of the human rights community that the Commission intends to support policies that would limit rights for some of the most marginalized communities.

In reality, “proliferation” of rights has meant greater equality for women, LGBTQ individuals, young people, migrants and refugees, people with disabilities, racial and ethnic minorities, and others. We have deep concerns that any narrowing of definitions of rights will affect the people who already are underrepresented in the halls of power and are most left out and impacted by policies. Human rights are not zero sum, and contrary to the assertions of the members of the Commission, the adoption and implementation of human rights treaties has allowed more people to be included and protected and allowed them to access their human rights.

In addition, PPFA is alarmed by the signal that the work of the Commission sends to the international community - that the U.S. government views the internationally agreed upon human rights framework as negotiable. This willingness to redefine human rights risks emboldening some of the world’s worst human rights actors, including populist and authoritarian regimes, who are already promoting revisionist interpretations of the human rights framework in order to justify their repressive policies at the expense of people’s health, rights, and lives.

Under this administration, the U.S. government has already taken damaging steps towards redefining human rights. This includes changes to the State Department’s annual human rights reports, which since 2017 have been censored to exclude reporting on reproductive rights, instead narrowly reporting on reproductive coercion and reduced reporting on gender-based violence. This is a dangerous precedent that already has undercut the work of human rights defenders around the world.

Any adoption of restrictive human rights policies on behalf of the United States ties the hands of U.S. diplomats and undermines their ability to be a credible voice for human rights overseas. Furthermore, signaling from the U.S. government that certain rights are less meaningful

⁵ During the Commission’s second meeting (held on 11/1/2019), chairwomen Glendon noted that the Commission was created to address the “proliferation” of rights and stated that “[t]his is one of the reasons to go back to basics, what rights are fundamental, it is right to say that proliferation of rights can lead to a situation where you’re either in paralysis or the currency is devalued where truly fundamental rights become meaningless. In his Wall Street Journal op-ed, Secretary Pompeo argued that a “proliferation of rights claims” has “unmoor[ed] us from the principles of liberal democracy.” See Michael Pompeo, *Unalienable Rights and U.S. Foreign Policy*, Wall Street Journal, (July 7, 2019), <https://www.wsj.com/articles/unalienable-rights-and-u-s-foreign-policy-11562526448>.

undercuts the work of local civil society movements and human rights defenders around the world who are committed to advancing robust human rights agendas.

Our fears surrounding the Commission’s ideological agenda are reinforced by the background and statements of the members of the Commission. The composition of the Commission is required to be “fairly balanced in its membership in terms of the points of view represented,”⁶ yet this is clearly not the case. The Commission’s chair and members are overwhelmingly clergy or scholars known for extreme positions opposing LGBTQ and reproductive rights. Statements from the Commission’s chair and fellow commissioners have included that marriage equality undercuts the welfare of children and that “the unavoidable message” of same-sex marriage “is a profoundly false and damaging one.” Another member of the Commission has argued against the use of contraception.⁷ These are deeply misguided positions, and individuals who hold such views should not be members of a Commission whose mandate is supposedly the promotion and protection of universal rights. Furthermore, the lack of diversity of opinion leads to an absence of meaningful conversation and debate and further indicates that this Commission has an agenda to reduce or eliminate select human rights based on an ideological drive.

As has been widely documented by PPFA and many partner organizations, the Trump administration has an abysmal human rights policy record. This administration has actively rolled back reproductive health and rights in the U.S. and around the world; detained migrant children and separated them from their parents; denied individuals their legal right to seek asylum; and instituted refusal rules to permit discrimination against LGBTQ individuals, among others.

In contrast with the work of the Commission thus far, an authentic review of the role of human rights in U.S. government policy must focus on how the U.S. could improve its human rights record at home and around the world. Multiple review mechanisms and mandated reporting structures already exist that facilitate such a review. The U.S. government should continue to participate and heed the recommendations produced by the Universal Periodic Review, which assesses the extent to which all States respect their human rights obligations, including those set out in the UN Charter, UDHR, human rights treaties to which the U.S. is party to, applicable international humanitarian law, and voluntary commitments and pledges. The U.S. can take further action through established reporting mechanisms such as the High-Level Political Forum for Sustainable Development to engage in national reviews on progress towards commitments

⁶ See 41 CFR § 102-3.30, “What policies govern the use of advisory committees?,” available at <https://www.law.cornell.edu/cfr/text/41/102-3.30>.

⁷ See Human Rights First, Coalition Letter to Secretary of State Mike Pompeo on the Commission on Unalienable Rights, (July 22, 2019), at https://www.humanrightsfirst.org/resource/coalition-letter-secretary-state-mike-pompeo-commission-unalienable-rights/#_ftn4.



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outlined in the 2030 Agenda for Sustainable Development. Participation in any review process must understand the promotion and protection of human rights as a cornerstone of U.S. government policy and national interest, and therefore recommend significant changes to current Trump administration policy.

The U.S. government, including the Department of State, must uphold and protect human rights for all people, including those from marginalized groups that already experience stigma, violence, and discrimination. PPFA believes that health care is a human right and that sexual and reproductive health care is health care and as such, has grave concerns about the work of the Commission on Unalienable Rights. We urge the immediate disbandment of this body, and ask the State Department to focus its attention on aligning its policies with human rights principles and working to create the world we want -- which includes human rights for all people.

Sincerely,

Caitlin Horrigan

Caitlin Horrigan
Director of Global Advocacy
Planned Parenthood Federation of America