

RE: Concern about the U.S. State Department Commission on Unalienable Rights

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

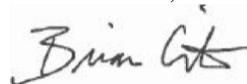
As a Clinical Professor of Law teaching International Human Rights and Health and Human Rights, I write to express my deep concern with the U.S. State Department Commission on Unalienable Rights. I fear the potential harm a final report produced by the Commission, in line with its mandate and the views expressed by several of its members, may have on internationally recognized human rights and the work of countless human rights defenders and organizations around the world.

The Commission is an advisory body 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 was created, 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, scholars, and other concerned citizens. In fact, many have asked that the Commission be disbanded. The work of the Commission to date has only reinforced these concerns.

The Commission has held five meetings. They have been accessible only to a small number of people who have been able to register in advance and dedicate up to six hours to observing the proceedings in person in Washington, D.C. This, in and of itself, is at odds with core principles undergirding human rights—transparency, participation and inclusion. Moreover, 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. This is unacceptable and indicative of the Commission’s misguided commitments and aims.

Notwithstanding these barriers, some news of the Commission’s work has reached concerned citizens. Of particular concern is 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 Chairperson, I am deeply concerned that the Commission’s work will seek to justify the rolling back the rights of LGBTQ persons and the internationally recognized health rights of rights of women and girls. I write here to register these concerns and to call for a disbanding of the Commission.

With concern,



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