

April 3, 2020

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

Dear Chairperson Glendon and Members of the Commission,

As an organization committed to implementing international human rights standards, The Advocates for Human Rights is deeply concerned about the mandate and work to date of the Commission on Unalienable Rights (Commission), as well as the potential harm that the Commission's final report may have on the United States' fulfillment of its international human rights obligations. When the Commission was created in July 2019, we joined with other U.S. human rights leaders in sending Secretary of State Mike Pompeo a letter expressing concern about the many legal, moral, and philosophical problems with the Commission, its mandate, and its makeup, and calling for the Commission to be immediately disbanded.

Having observed the work of the Commission over the past year, our concerns have deepened. Based on comments made by members of the Commission during public hearings, we are alarmed that the Commission's objective appears to be to produce a report and recommendations that would narrow the scope of U.S. obligations under international human rights law and justify a ranking of rights that prioritize some rights, such as the right to freedom of religion, over others. Given the past statements of several members, we remain strongly concerned that the Commission's report will seek to reinterpret the international human rights framework established over the past 70 years and limit widely recognized international human rights – particularly the rights of women, girls, and LGBTQI persons.

The international human rights law framework already adequately defines the scope, content, and obligations of States to respect and promote human rights. The Universal Declaration of Human Rights (UDHR) and the nine core human rights treaties, particularly the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), codify widely recognized and accepted international human rights principles. These treaties are the product of decades of multilateral negotiations and represent an international consensus regarding the scope of human rights that bind the States that have opted into to ratifying them. In ratifying the ICCPR, as well as the treaties such as the Convention Against Torture and the Convention on the Elimination of All Forms of Racial Discrimination, the United States has agreed to be bound by these multilateral human rights treaties.

As the UDHR and subsequent binding human rights treaties make clear, human rights are universal, indivisible, interdependent, and interrelated. In other words, all human rights are equal in importance. Although the international human rights framework does recognize a distinction between derogable and non-derogable rights, it does not establish a hierarchy that allows for the exercise of some rights in ways that violate others. A prioritization of one right - freedom of religion or belief - over the enjoyment of other human rights would constitute a violation of the United States' binding obligations under international human rights law.

As an organization with United Nations ECOSOC Special Consultative Status, The Advocates regularly participates in international advocacy at the UN human rights mechanisms. The Advocates also partners with human rights defenders and civil society organizations throughout the world. Many of our partners are currently experiencing threats, including threats of physical harm, due to a backlash against human rights. We are concerned that the Commission’s work sends a signal to the international community that the U.S. government views the international human rights framework as malleable and open to unilateral re-interpretation. The Commission’s willingness to question the basic foundations of the human rights framework risks emboldening populist and authoritarian regimes to further restrict human rights and justify repressive policies. Further, 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. Redefining and restricting human rights would limit the United States’ impact on the protection of human rights around the world.

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 worldwide. Such a review would begin by reaffirming the U.S. government’s commitment to the international human rights framework as developed over the past 70 years and would recommend appropriate changes to Trump administration policy based on that framework. Along with others in the U.S. human rights movement, we have expressed our collective desire to refocus this administration on solving some of the human rights violations it has fueled through its reactionary policies on issues ranging from immigration, asylum, freedom of religion, and myriad due process and rule of law issues.

The Commission was established to provide Secretary of State Pompeo with “advice on human rights grounded in our nation’s founding principles and the principles of the 1948 Universal Declaration of Human Rights.” We are better than we were when the UDHR was drafted, shortly after the end of World War II when there were no institutions to challenge the human rights violations perpetrated by State and non-State actors. Human rights are not merely documents. They reflect the core values of our own Constitution and the decades of jurisprudence strengthening anti-discrimination laws that have sought to ensure that these core values can be enjoyed by all.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Pappas", is enclosed in a thin black rectangular border.

Executive Director
The Advocates for Human Rights