



Health. Access. Rights.

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April 24, 2020

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

On behalf of Ipas, I write to express our deep concern with the Commission's work, its mandate, and the views expressed by several of its members. We are further concerned about the potential harm that a final report produced by this Commission may have on internationally recognized human rights and U.S. foreign policy. Specifically, the potential that the Commission could undermine the human rights of women, girls and LGBTQ persons around the globe, including the right to safe abortion services.

Ipas, established in 1973, is an international non-governmental organization based in Chapel Hill, NC. Ipas currently supports 15 regional or country offices and maintains a presence in more than 20 others in Africa, Asia, and Latin America. Working with local partners around the world, we strive to improve women's access and right to safe, high-quality abortion care and contraception. Ipas is the only international organization solely focused on expanding access to safe abortion and contraceptive care. **Each year, 25 million women and girls around the world have unsafe abortions. We're working to bring that number to zero.**

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.<sup>1</sup>

It is well-established that the foundation of human rights is *that all rights are universal, inalienable and equal in importance.*<sup>2</sup> Any sorting or privileging of these rights is anathema to the U.S. government's obligations under Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (ratified in 1994), International Covenant on Civil and Political Rights (ratified in 1992), and the International Convention on the Elimination of All Forms of Racial Discrimination (ratified in 1994).

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<sup>1</sup> 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>.

<sup>2</sup> See, e.g., UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.refworld.org/docid/3ae6b3aa0.html> [accessed 23 April 2020]

Given this and the opaque process by which the Commission came into being, the duplicative nature of the body vis-à-vis the State Department's legally authorized Bureau of Democracy, Human Rights and Labor, the publicly-stated views of several of its members, and the lack of diversity of expertise of its membership, we question both the need for, and the true intent of, the Commission's mandate.

Hundreds of human rights organizations, human rights scholars, experts in foreign policy, civil rights, and faith leaders, academics, and other concerned citizens have also raised the same questions with the added call that the Commission be disbanded.<sup>3</sup> The work of the Commission in recent months further reinforces these concerns.

To date, the Commission has held five meetings that are designed to limit the number of participants, as well as the information shared. They are accessible only to a small number of individuals who must register in advance and be available to participate in person at the State Department in Washington, D.C. The Commission has also largely ignored the procedural requirements of FACA, including the requirement that all Commission records be made available to the general public.

In fact, public information is so limited that it is only through the intrepid reporting of human rights advocates that the public has been made aware of the deeply troubling views expressed by several commissioners. Specifically, the view that the Commission's objective is to produce recommendations to narrow the scope of U.S. obligations under international human rights law, while justifying privileging certain rights over others, including the right to freedom of religion.

Under the leadership of the present chairperson, there is strong evidence to suggest that the Commission will use this privileging of certain rights to justify rolling back the fundamental rights of women, girls, and LGBTQ persons.

## **I. Hierarchy of Rights**

Based on comments made by Commission members during public hearings we anticipate that the Commission's final product will reinterpret the established international human rights law to try to establish a false and preferential hierarchy of rights.

Some members of the Commission have openly discussed the "prioritization" of some rights over others.<sup>4</sup> This discussion has mainly focused on prioritizing freedom of religion over other rights, such as the right to health or the right to be free from discrimination. The argument made by individual commissioners and some experts testifying before it, is that freedom of religion sits

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<sup>3</sup> <https://www.humanrightsfirst.org/sites/default/files/Unalienable-Rights-Commission-NGO-Ltr.pdf>

<sup>4</sup> During the Commission's third meeting (held on 12/11/19), Commissioner David Pan responded to remarks by Michael Abramowitz of Freedom House regarding concerns over the Commission's apparent desire to create a "hierarchy of rights," asking Mr. Abramowitz if he would "support that same prioritization that we want to do." The Commission also reproduced a discussion regarding the "prioritization" of rights in the published "minutes" of the third meeting. See <https://www.state.gov/u-s-department-of-state-commission-on-unalienable-rights-minutes-3/>.

atop “lesser” or subsidiary rights. They wrongfully claim that the violation or infringement of these lesser rights must be tolerated in order to ensure the full protection of religious freedom.<sup>5</sup>

A prioritization of freedom of religion or belief over the enjoyment of other human rights would constitute a violation of the United States’ binding obligations under human rights law. We repeat, the foundation of human rights is that all rights are universal and indivisible, and inalienable. Although the international human rights framework does recognize a distinction between derogable and non-derogable rights—the former being rights that can be suspended in times of national emergency—it does not establish a hierarchy that allows for the exercise of some rights in ways that violate others. As the Universal Declaration of Human Rights (UDHR) and subsequent human rights treaties make clear, human rights are interdependent, interrelated, and equal in importance.<sup>6</sup> The principle that all rights are equal is a product of the indivisibility of human rights: the denial of one right necessarily impedes the enjoyment of other rights.

We hope the Commission will note and include the expert public testimony solicited and received by the Commission, which reaffirms that the exercise of certain rights, such as freedom of religion, *cannot* be prioritized over enjoyment of others. Ken Roth, Executive Director of Human Rights Watch, during his testimony before the Commission, highlighted that the Human Rights Committee (the body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights (ICCPR) by its State parties) “has explained that freedom of thought, conscience, and religion does not protect religiously motivated discrimination against women or racial minorities.”<sup>7</sup>

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<sup>5</sup> Some members of the Commission have expressed this view repeatedly throughout their careers. For a sample of previous statements made by various commissioners, see the following articles: Jayne Huckerby, Sara Knuckey & Meg Satterthwaite, *Trump’s “Unalienable Rights” Commission Likely to Promote Anti-Rights Agenda*, Just Security, (July 9, 2019), <https://www.justsecurity.org/64859/trumps-unalienable-rights-commission-likely-to-promote-anti-rights-agenda/>; Masha Gessen, *Mike Pompeo’s Faith-Based Attempt to Narrowly Redefine Human Rights*, The New Yorker (July 10, 2019) <https://www.newyorker.com/news/our-columnists/mike-pompeos-faith-based-attempt-to-narrowly-redefine-human-rights>.

<sup>6</sup> Article 5 of the 1993 Vienna Declaration specifically notes that “[a]ll human rights are universal, indivisible and interdependent and interrelated.” UN OHCHR, *Vienna Declaration and Programme of Action* (1993), available at <https://www.ohchr.org/en/professionalinterest/pages/vienna.aspx>. See also Human Rights Committee, General Comment No. 12: Art. 1 (Right to Self-determination), U.N. Doc. HRI/GEN/1/Rev.6 (March 13, 1984); Committee on Economic, Social and Cultural Rights, General Comment No. 22 (right to sexual and reproductive health (Art. 12)), UN Doc. E/C.12/GC/22 (March 4, 2016).

<sup>7</sup> Ken Roth, *Prepared Testimony to Commission on ‘Unalienable’ Rights*, Human Rights Watch (Jan. 10, 2020), <https://www.hrw.org/news/2020/01/10/prepared-testimony-commission-unalienable-rights>. See also 2020 Report of the Special Rapporteur on freedom of religion or belief (Freedom of religion or belief and Gender Equality), A/HRC/43/48, available at <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/Annual.aspx>. Notably, in response, Commissioners Berkowitz, Carozza, Tollefsen, Tse-Chien Pan, and Lantos Swett criticized Roth’s assertion that the rights of women and girls to receive sexual and reproductive healthcare, including access to abortion, should not be absolutely subjugated to the rights of those who would deny such care on the basis of their religious beliefs. In contrast, none of the Commissioners suggested that Mr. Roth’s position had merit, though it is understood to be an accurate representation of international human rights law by human rights advocates and experts. Complaint, *Robert F. Kennedy Human Rights et al. v. Pompeo*, No. 1:20-cv-02002, ¶¶ 84-85 (S.D.N.Y. filed March 6, 2020) available at <https://democracyforward.org/wp-content/uploads/2020/03/Complaint-As-Filed.pdf>.

Reproductive rights, including abortion rights, are human rights and likewise they are not subsidiary or contingent on any other rights. Every person has the right to make informed decisions about their body and health—and to determine whether or when to bear children. The human right to health—and within that the right to access sexual and reproductive health care that includes contraception and safe abortion—is well-established by international conventions and human rights bodies. Restrictive abortion laws violate women’s rights, including the right to life, to health, to equality, to privacy, and to live free from discrimination.

States’ obligations to respect, protect, and fulfill human rights includes sexual and reproductive health and autonomy. Where access to safe and legal abortion services are unreasonably restricted, a number of human rights may be at risk. These include the right to: life; health and health care; information; nondiscrimination and equality; freedom from cruel, inhuman or degrading treatment; privacy; decide the number and spacing of children; security of person; liberty; enjoy the benefits of scientific process; and freedom of conscience and religion.

In the last three decades, more than four dozen countries have changed their laws to allow for greater access to abortion. These changes are driven by the acknowledgement that access to abortion is a human right and that access to safe abortion services is essential to protecting women’s lives and health. In 2018, Ireland relaxed its near-total ban on abortion when the Irish people voted overwhelmingly to support access to safe abortion for Irish women and girls.

A deep respect for the human rights of women is central to Ipas’s mandate. Ipas works with partners to train abortion providers and connect women to vital information so they can access services, and advocate for safe, legal abortion.

The COVID-19 pandemic reveals how rewriting human rights law and policy to exclude certain protections is a life and death mistake. The coronavirus demonstrates that, in an actual global humanitarian crisis, all life-saving human rights are essential and interdependent. The right to life, considered a political right, depends on the right to universal access to affordable health care, an economic right. Health care must be given to all who need it without discrimination on the basis of wealth, religion, race, ethnicity, gender, sexual identity and orientation, political affiliation, or immigration status. Health care includes comprehensive reproductive health care and access to safe abortion services.

Other economic rights—to wages, leave from work, and caregiving support—will ensure that people can support themselves and their families during the crisis. Immigrants and other minorities must be protected from those who would wrongly blame them for the spread of the virus. The rights of vulnerable populations—children, the elderly, and the disabled—must be preserved.

Religious freedom cannot be used as a basis for denying life-preserving medical care or life-sustaining economic support. There can be no disposing of any of these rights, nor is there a

hierarchy among them. Since a society's response to a pandemic is only as strong as its most vulnerable person, all of these rights must be honored to protect everyone.

## **II. IHRL framework already adequately defines human rights**

As invited speakers informed the Commission from the outset, the concept of “unalienable rights” has no clear basis. Indeed, the preamble of the International Covenant on Civil and Political Rights refers to all human rights as “inalienable,” which is also reflected in the Universal Declaration of Human Rights and working papers of the drafters of the UDHR.

Undercutting Secretary Pompeo's rationale for why the Commission supposedly need exist, the international human rights law framework already adequately identifies the scope, content, and obligations that arise from the human rights contained within the framework. The UDHR and the nine core human rights treaties, particularly the ICCPR codify a set of human rights under widely recognized rules of international law. 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 ratified them. No state has the authority to unilaterally pick and choose between these rights and redefine the plain terms of the treaties.

During the Commission's public hearings, some commissioners have suggested that the human rights framework is poorly defined or has been stretched to cover “new” rights. Some have also suggested that it is up to the Commission to differentiate between “alleged” rights claims and those rights that are “unalienable.”<sup>8</sup>

Yet, these Commissioners are ignoring the legal expertise of the various human rights professionals and academics who testified before the Commission and clearly demonstrated that the rights of the human rights framework are both inalienable and plainly identified in the aforementioned core human rights treaties. They also noted that the various treaty bodies (such as the UN Human Rights Committee) have an important role in the interpretation and application of the human rights provided by these treaties.<sup>9</sup>

## **III. So-called proliferation of rights.**

Secretary Pompeo and several commissioners have justified the Commission's work by arguing that a “proliferation” of human rights claims has undermined “fundamental” individual rights,

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<sup>8</sup> 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 . . . .”

<sup>9</sup> See Sunstein, Cass R. “Rights and Citizenship.” U.S. Department of State's Commission on Unalienable Rights Meeting, November 1, 2019. *See also* Ken Roth, *Prepared Testimony to Commission on 'Unalienable' Rights*, Human Rights Watch (Jan. 10, 2020), <https://www.hrw.org/news/2020/01/10/prepared-testimony-commission-unalienable-rights>; Michael Abramowitz, *Prepared Testimony, US Leadership in the Reinforcement of Human Rights*, Freedom House (Dec. 11, 2019), <https://freedomhouse.org/article/us-leadership-reinforcement-human-rights>.

namely freedom of religion and freedom of speech.<sup>10</sup> This argument is deeply misguided, and supports widespread concerns within the human rights advocacy community that the Commission’s work will be cited as support for policies to limit rights, including those of women and/or LGBTQ individuals.

The development of human rights law since 1948 is the result of the extension of the rights to more people throughout the world, as enshrined in the UDHR. Through the painstaking work of social movements, scholars, civil society, and diplomats, the international community has adopted nine core human rights treaties. These treaties address the rights challenges faced by women, children, racial and ethnic minorities, persons with disabilities, migrants, and other marginalized groups, and represent a global consensus that certain groups face unique barriers to the full realization of the rights enshrined in the UDHR.

The adoption of human rights treaties, as well as the interpretation of the scope of the rights recognized by them, has not resulted in new rights claims. The only “proliferation” that has occurred as a result of these conventions is that of greater equality for women, people with disabilities, LGBTQ individuals, children, and racial and ethnic minorities, among other populations. Contrary to the assertions of the members of the Commission, the adoption and implementation of these treaties has allowed the human rights framework to protect the rights, including civil and political rights, of more people than ever before.

#### **IV. Supposed “tension” between rights**

During the Commission’s various public meetings, some commissioners have argued that a tension exists between the exercise of religious freedom and the promotion and protection of other rights.<sup>11</sup> Comments and questions from members of the Commission have further clearly demonstrated a belief that this tension should be resolved in favor of the exercise of religious freedom. The necessary consequence of the Commission’s logic is that discrimination against women, LGBTQ individuals, and other minorities would be permissible under international human rights law if based on a supposed claim of religious freedom.

Human rights bodies have provided some guidance on how to avoid such tensions, ensuring people’s access to health is not deterred. In its General Comment No. 36 on the right to life, adopted in October 2018, the Human Rights Committee said that, “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

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<sup>10</sup> 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>.

<sup>11</sup> During the Commission’s fourth meeting (held 1/10/20), Commissioners Peter Berkowitz, Christopher Tellefsen, and Katrina Lantos Swett, each suggested that a “tension” exists between women’s reproductive health rights and the free exercise of religion.

conscientious objection by individual medical providers.”<sup>12</sup> In its concluding observations, the committee has repeatedly provided guidance on how to avoid such barriers (for example, to Colombia, Lebanon, Poland, Romania) by instructing states to enhance the effectiveness of referral mechanisms in cases of conscientious objection by medical practitioners, in order to ensure access to abortion services and to ensure that women are not obliged, as a consequence of conscientious objection on the part of medical staff, to resort to unsafe abortions. Likewise, the Committee on Economic, Social and Cultural Rights (CESCR), in its General Comment No. 22 on the right to sexual and reproductive health, gives guidance on how states can appropriately regulate conscientious objection in healthcare settings to ensure that it does not inhibit anyone’s access to sexual and reproductive health care, including by requiring referrals to an accessible provider capable of and willing to provide the services being sought, and that it does not inhibit the performance of services in urgent or emergency situations.<sup>13</sup>

This year the U.N. Special Rapporteur on the Freedom of Religion or Belief clearly laid out how rights must be balanced, “The Special Rapporteur rejects any claim that religious beliefs can be invoked as a legitimate ‘justification’ for violence or discrimination against women and girls or against people on the basis of their sexual orientation or gender identity.” And further, that “States have an obligation to ensure that where they act to protect individuals’ rights to manifest their religion or belief, this does not have the effect of impairing the enjoyment of the rights to equality and non-discrimination of any member of society.”<sup>14</sup>

Despite there being an abundance of guidance on how to respect all rights, Commission members have only relied on Article 18 of the UDHR for the definition of the right to religious freedom to support their position.<sup>15</sup> Although some consider the UDHR binding as a matter of customary international law, the members of the Commission are likely aware that the relevant source of positive law for the right to religious freedom is Article 18 of the ICCPR, which the U.S. has ratified. Unlike the UDHR, the ICCPR expressly states that the right to religious freedom is not absolute and may be subject to limitations for the purpose of, among other things, protecting the fundamental rights and freedoms of others. As Human Rights Watch Executive Director Ken Roth explained during his testimony before the Commission, ICCPR Article 18 makes clear that the right to freedom of thought, conscience, and religion cannot be used to excuse religiously motivated discrimination under international law and cannot justify denying women and girls access to reproductive healthcare.

## **V. Authoritarian regimes will benefit from the Commission’s work**

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<sup>12</sup> Human Rights Committee, General Comment No. 36: Art. 6 (Right to Life), U.N. Doc. CCPR/C/GC/36 (Oct. 30, 2018).

<sup>13</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 22 (right to sexual and reproductive health (Art. 12)), UN Doc. E/C.12/GC/22 (March 4, 2016).

<sup>14</sup> Report of the Special Rapporteur on freedom of religion or belief (Focus: Freedom of religion or belief and Gender Equality) [https://www.ohchr.org/Documents/Issues/Religion/A\\_HRC\\_43\\_48\\_AdvanceUneditedVersion.docx](https://www.ohchr.org/Documents/Issues/Religion/A_HRC_43_48_AdvanceUneditedVersion.docx)

<sup>15</sup> Commissioner Katrina Lantos Swett specifically cited Article 18 of the UDHR as the definition of the right to religious freedom during the Commission’s fourth meeting, noting specifically that there is no “limitation in Article 18” and that it represents “a broad expression” of the right of religious freedom and belief.

The United States must continue to be the standard bearer for human rights globally, a role that is steadily eroding under the current administration and through this Commission. The Commission is telegraphing a troubling 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 will embolden populist and authoritarian regimes to follow suit by promoting revisionist and culturally relativist interpretations of this framework to justify their repressive policies.

As an illustrative example, during the Commission's third public meeting, a member of Brazil's diplomatic delegation applauded the Commission's efforts to redefine the rights framework and called on the commissioners to reject "new human rights" that are "anti-human." More broadly, the Chinese government has long promoted a revisionist and hierarchical approach to human rights in which the right to development and the related right to subsistence are taken as "the primary basic human rights," superseding all other rights.<sup>16</sup>

This damaging precedential aspect of the Commission's work threatens to undermine hard-won gains and embolden the world's worst human rights violators. Authoritarian regimes are already following the United States' lead in denouncing news outlets and violating the rights of refugees seeking asylum from persecution. The United States' adoption of a restrictive foreign policy on human rights would further limit the ability of U.S. diplomats to effectively advocate for the protection of human rights overseas.

## **VI. Procedural Inadequacies**

The Commission has flagrantly ignored the procedural requirements imposed by the Federal Advisory Committee Act (FACA).

The composition of the Commission violates rules requiring that federal advisory committees be "fairly balanced in its membership in terms of the points of view represented."<sup>17</sup> While many members' expertise lies in religious freedom or public ethics, the body contains no experts on women's rights, children's rights, minority rights, environmental rights, indigenous rights, reproductive freedom, LGBTQ rights, immigrants' rights, or asylum protections. Instead, the Commission is stacked with critics of reproductive rights and LGBTQ rights, but no advocates of such rights. There are no experts on poverty and inequality, and no specialists on how rights are impacted by climate change. Of the twelve commission members, only three are women and two are people of color. Additionally, the body includes two members of the State Department's Office of Policy Planning, but no representatives from the Department's Bureau of Democracy, Human Rights, and Labor, whose assistant secretary is required by law to lead in advising the Secretary of State on human rights matters.

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<sup>16</sup> See The Beijing Declaration adopted by the First South-South Human Rights Forum, available at <http://www.chinadaily.com.cn/a/201712/08/WS5a2aaa68a310eefe3e99ef85.html>.

<sup>17</sup> 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>.



Additionally, under the FACA statute, Executive Branch advisory committees are required to open all of their official meetings to the general public and publicly disclose all advisory committee documents in a manner that facilitates meaningful public participation. The document disclosure requirement covers any “records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda [and] other documents . . . made available to or prepared for the committee.”<sup>18</sup> Additionally, federal courts have held that when practical, advisory committees must provide the general public with relevant materials and documents *before* public committee meetings are held.<sup>19</sup>

To date, the Commission has neglected to disclose publicly the vast majority of documents covered by FACA’s disclosure requirement. It has yet to release the full records of the Commission’s meetings; and has only released inaccurate and partial minutes from the first three meetings. The Commission has also failed to release publicly any of the documents that the members of the Commission have relied on in preparation for public meetings or external submissions by third parties, including those solicited by the Commission. Based on comments made by various commissioners, it is also clear that the Commission has held several “closed preparatory sessions” and “working group” (subcommittee) meetings that have been closed to the public, in violation of FACA.<sup>20</sup>

Secrecy surrounding the Commission’s work remains deeply troubling. The body’s apparent violations of FACA safeguards demonstrate a disregard for a law that is intended to ensure government transparency and accountability on behalf of both Congress and the American public. Once finalized, the Commission’s recommendations could be used by various executive agencies to further roll back the U.S. government’s role as a global leader in the promotion and protection of *all* human rights for *all* people. Any process that has the potential to drive such a seismic shift in US policy on such fundamental issues impacting people in all nations should be conducted with full transparency, in a fair and balanced manner, and scrupulously adhering to the letter of applicable laws and regulations. Regrettably, none of these basic safeguards is being observed by the Commission.

## VII. What a review of human rights in U.S. foreign policy should look like

As has been widely documented by many human rights organizations, the current 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

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<sup>18</sup> 5 U.S.C. App. 2 § 10(b).

<sup>19</sup> *Food Chem. News v. Dep’t of Health & Human Servs.*, 980 F.2d 1468, 1472 (D.C. Cir. 1992).

<sup>20</sup> Chairwoman Glendon has openly acknowledged the existence of several “working groups,” which she has interchangeably referred to as “subcommittees,” each of which is comprised of a subset of commissioners and tasked with composing a specific component of the Commission’s final written product. According to the published minutes of the first meeting, Chairwoman Glendon publicly announced during the meeting that commissioner Hanson would join the “Terms and Concepts” Working Group, chaired by commissioner Tollefsen. See U.S. Dep’t of State Commission on Unalienable Rights Minutes (Oct. 23, 2019), <https://www.state.gov/u-s-department-of-state-commission-on-unalienable-rights-minutes/>. The public minutes of the third meeting also include a specific reference to commissioner Carozza’s chairmanship of a “working group that will focus on the international human rights principles the U.S. has ascribed since World War II. See U.S. Dep’t of State Commission on Unalienable Rights Minutes (Dec. 11, 2019), <https://www.state.gov/u-s-department-of-state-commission-on-unalienable-rights-minutes-3/>.

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 deeply troubling actions. According to the Committee to Protect Journalists, this Administration has “stepped up prosecutions of news sources, interfered in the business of media owners, harassed journalists crossing U.S. borders, and empowered foreign leaders to restrict their own media.”<sup>21</sup>

A good faith review of the role of human rights in U.S. government policy would 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 review 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 should 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 review 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 the Administration’s policies.

Ipas strongly encourages you to fundamentally and immediately change the Commission’s direction in terms of process, balance and transparency, understanding of and respect for established international law and human rights instruments and agreements. As it stands now, the Commission’s work will dangerously benefit authoritarian regimes and harm women, girls, men and boys worldwide. We also strongly encourage you to incorporate into the work of the Commission the well-established understanding that access to abortion is a human right and that all human rights are interdependent, interrelated, and equal in importance.

Sincerely,

*Anu Kumar*

Dr. Anu Kumar  
President and CEO  
Ipas  
[www.ipas.org](http://www.ipas.org)

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<sup>21</sup> <https://cpj.org/reports/2020/04/trump-media-attacks-credibility-leaks.php>