



**UNITED NATIONS ASSOCIATION
OF THE UNITED STATES OF AMERICA**

New York, NY

801 Second Avenue

9th Floor

New York, NY 10017-4706

Tel.: 212.697.3315

Fax: 212.697.3316

Headquarters | Washington, DC

1750 Pennsylvania Ave, NW

4th Floor

Washington, DC 20036

Tel.: 202 887-9040

Fax: 202 887-9021

unausa.org

April 2, 2020

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

As the Executive Director of the UN Association of the United States of America (UNA-USA), a nongovernmental organization serving the largest grassroots network of UN advocates in the world with two-hundred chapters across forty-five U.S. states, I write to express our organization's deep ongoing concern on the Commission's work, mandate, as well as its potential final report. UNA-USA reiterates its call for the Commission to be disbanded and for the U.S. to recommit to its longstanding record of championing human rights at the UN.

From its inception, the Commission's overall mandate, the non-transparent process by which it was established, and the duplicative orientation of the body vis-à-vis the State Department's legally authorized human rights bureau (among other factors) have deeply troubled hundreds of human rights organizations, human rights scholars, and other concerned citizens who have asked that the Commission be dissolved.¹ This includes UNA-USA, which is honored to have had Eleanor Roosevelt among its inaugural members.

We remain concerned that the Commission's work may seek to justify the rolling back of human rights of women, girls, and LGBTI persons as well as establish a problematic 'tiering' of U.S. human rights obligations. The Universal Declaration of Human Rights, Vienna Declaration and Program of Action, and other rights treaties are clear that human rights are interdependent, interrelated, and equal in importance.² The principle that all rights are equal is a product of the indivisibility of human rights: the denial of one right necessarily hurts the realization of others.

The onset of the global COVID-19 pandemic is a case study in how attempting to reinvent human rights law and policy to potentially exclude certain protections is in itself a contradiction and ultimately self-defeating from a public policy perspective. For example, the right to life depends on the right to clean water and sanitation; housing; and access to health care. These must be available without discrimination based on wealth, race, ethnicity, gender, age, sexual identity and orientation, political affiliation, or immigration status. Since our collective response to the pandemic is only as strong as the most vulnerable person, it is evident that civil and political rights and economic and social rights are mutually reinforcing rather than the opposite.

¹ Please see <https://www.humanrightsfirst.org/sites/default/files/Unalienable-Rights-Commission-NGO-Ltr.pdf>.

² 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).

We also disagree with language connected to the mission of the Commission about the “proliferation” of rights. Article 1 of the Universal Declaration of Human Rights plainly declares that all human beings are “free and equal” in dignity and rights. The result over the years has been the strengthening of equality for people with disabilities, LGBTI individuals, children, racial and ethnic minorities, as well as among other populations. This has been accomplished with constructive U.S. engagement with the UN human rights system and the ratification of human rights treaties by the Senate including the International Covenant on Civil and Political Rights; International Convention on the Elimination of All Forms Racial Discrimination; and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

From UNA-USA’s perspective, comparatively stronger mechanisms for an overarching review of U.S. engagement on human rights already exist. This includes the U.S. national reporting on the human rights treaties it has ratified, along with the UN Universal Periodic Review (UPR) process.

Ahead of the upcoming Third U.S. UPR, UNA-USA members and their partners convened more than thirty campus and community UPR consultations on the overall human rights situation in the country. These consultations yielded important insights relevant to both progress and gaps in human rights in the U.S. on combatting human trafficking; ensuring sexual and reproductive health and rights; as well as protecting the human rights of LGBTI people.³ This engagement on the UPR also reinforced the futility of attempting to elevate one right over another. It further served as a reminder of the commitment of Americans of all backgrounds to the inherent universality of human rights and a belief that the U.S. should be a global leader in human rights promotion.

We underscore the need to return a tried and tested strategy for the promotion and protection of human rights. Rather than creating amorphous new institutions which risk taking us down the wrong path, we encourage a robust recommitment to American leadership on human rights, both domestically and abroad. This should include ensuring U.S.-backed nominees are able to secure seats on UN human rights treaty bodies, upping U.S. support for UN special procedures, fully funding OHCHR and our regular UN dues, and rejoining the UN Human Rights Council.

On behalf of UNA-USA, thank you for your consideration.

Sincerely,



Rachel Bowen Pittman
Executive Director, UNA-USA

rpittman@unausa.org
(202) 887-9040

³ See UNA-USA “Universal Periodic Review Consultation Reports” here: <https://unausa.org/human-rights/upr-reports/>. These shadow reports were also submitted to OHCHR for consideration in advance of the Third U.S. UPR. The reports were also submitted to the U.S. State Department through its official UPR public engagement platform at <https://www.state.gov/universal-periodic-review/>.