

March 30, 2020

The Commission on Unalienable Rights
U.S. Department of State
Washington, D.C. 20520

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

We, VOICE (Vietnamese Overseas Initiative for Conscience Empowerment) U.S. civil society organization and its affiliate, VOICE Australia, write to express our concerns on the work of the Commission on Unalienable Rights to date. The Commission has held several meetings with limited access available, and the Commission's records are not made available to the general public other than the release of the partial minutes from the meetings in October, November and December of 2019.

It is of great concern that the Commission consists of members with strong views against the rights of women and the LGBTQI community to provide the Secretary of State with advice and recommendations concerning national and international human rights matters. It raises the question of whether the rights of these and other minority groups will be protected or preserved without prejudice. It is inapprehensible to pick and choose those rights to be protected and promoted, all internationally recognized human rights must be protected, and the U.S. government must observe its obligation under the international treaties which it has ratified. A properly functioning Commission must have members with a diversity of views to provide prudent advice regarding the promotion of human rights in U.S. foreign policy.

Distinguishing between "unalienable rights" and "ad hoc rights"¹ is not only narrow but dangerous in that it will fundamentally give privilege to some rights over other rights. Commission members commented that there are too many "new rights" and that the Commission is not to uphold all rights. The Commission alleged that there is conflict among rights and it raises the question of the rights to prioritize. However, the issues people living under authoritarian regime are not the conflicting of rights but the repression of fundamental rights that every person is entitled to and the Commission's work to promote and uphold those rights rather than pick and choose the rights to protect and promote.

The nature and purpose of the Commission are to provide fresh thinking about human rights discourse which has departed from the nation's founding principles of natural law and natural rights.² The definition of natural law and natural rights is vague and backward thinking. It may serve as a blockade in the human rights framework that many civil and human rights organizations and advocates have worked tirelessly over the years to lead to the current position, which is still a working progress.

The Commission's work in providing fresh thinking about the human rights discourse sends a signal to the global community that the already established human rights framework is susceptible to change and encourage unilateral reinterpretation. It will carve a dangerous path that aligns with the authoritarian regime's work in promoting revisionist and culturally relativist interpretation of the human rights framework to justify their repressive policies. The authoritarian regimes will rapidly convey any activities of denouncing the truth or undermining the promotion of human rights such as

¹ <https://www.wsj.com/articles/unalienable-rights-and-u-s-foreign-policy-11562526448?ns=prod/accounts-wsj>

² <https://www.federalregister.gov/documents/2019/05/30/2019-11300/departament-of-state-commission-on-unalienable-rights>

the denouncing the truthfulness of information as “fake news”. China and Russia adapted the reference to “fake news” in the attempt to dismiss any information that is unfavourable to their ruling.

In light of the above, we sincerely seek your close attention and urge for the Commission to focus on the improvement of human rights within the U.S. and promote the protection for all human rights abroad. The Commission should not prioritize certain rights over others and make clear that the internationally recognized rights are enjoyed by all people without discrimination as prescribed under the Universal Declaration of Human Rights and subsequent human rights treaties. It is in the U.S. government’s national interest to make the promotion and protection of human rights a foundation of U.S. foreign policy and providing appropriate advice to Trump Administration’s policy.

Yours faithfully,

Two handwritten signatures in blue ink, one on the left and one on the right, positioned above the organization's name.

VOICE & VOICE Australia
(Vietnamese Overseas Initiative for Conscience Empowerment)