

23 de julio, 2019

Al Honorable Michael Pompeo  
Secretario de Estado  
Departamento de Estado de los Estados Unidos  
Washington, D.C. 20520

Estimado secretario Pompeo:

Nosotros, los abajo firmantes, organizaciones de derechos humanos, por las libertades civiles y la justicia social, líderes religiosos, expertos, académicos y organizaciones, nos dirigimos a usted para expresar nuestra profunda preocupación por la Comisión de Derechos Inalienables del Departamento de Estado, cuya creación fue anunciada recientemente. Objetamos el propósito declarado de dicha Comisión, al que consideramos perjudicial para el esfuerzo global por proteger los derechos de todas las personas, así como un derroche de recursos. Objetamos la composición de la Comisión, que carece de diversidad ideológica y parece reflejar un claro interés por limitar los derechos humanos, incluidos los derechos de las mujeres y de las personas LGBTIQ. Objetamos también el proceso por el cual la Comisión entró en vigor y está siendo administrada, ya que ha dejado de lado a expertos en derechos humanos de la propia Oficina de Democracia, Derechos Humanos y Trabajo (DRL) del Departamento de Estado.

Lo instamos a que disuelva inmediatamente este cuerpo y centre su atención personal en los importantes desafíos que enfrenta actualmente la protección de los derechos humanos a nivel mundial.

Como usted dijo al presentar la Comisión y al afirmar la importancia de la Declaración Universal de los Derechos Humanos (DUDH) de 1948, “el lenguaje de los derechos humanos es el lenguaje propio con el que se habla sobre libertad y dignidad humana en todo el mundo, y estos son logros realmente extraordinarios”. La DUDH declara en sus primeras líneas que el reconocimiento de los derechos iguales e inalienables “de todos los miembros de la familia humana” constituyen “la base de la libertad, la justicia y la paz”.

En los Estados Unidos, la historia de los dos últimos siglos y medio es, en muchos sentidos, la historia del reconocimiento de esos derechos para afroamericanos y otras minorías, mujeres, personas LGBTIQ, personas con discapacidad, niños y otras poblaciones marginadas, a menudo a través de una lucha inmensa contra quienes limitan los derechos a unos pocos privilegiados. Asimismo, la historia del movimiento internacional por los derechos humanos es la historia del reconocimiento más profundo y el alcance protector de los derechos basada en el trabajo meticuloso de los movimientos sociales, académicos y diplomáticos, a través de acuerdos internacionales y de leyes.

Teniendo en cuenta esta historia, vemos con gran desconfianza a un organismo establecido por el gobierno de los Estados Unidos que apunta expresamente a la limitación de derechos a través de una clasificación artificial de los que son “inalienables” y los que ahora se consideran “ad hoc”. Estos términos no tienen lugar en el discurso de los derechos humanos. Es un principio

fundamental de los derechos humanos que todos los derechos son universales e iguales<sup>1</sup>. Los gobiernos no pueden tomarlos o descartarlos según sus deseos. Al igual que otros gobiernos, el de los Estados Unidos está sujeto a ciertas obligaciones reglamentadas en tratados internacionales ampliamente ratificados. En el mejor de los casos, un esfuerzo dirigido a objetar este hecho bien establecido supone una pérdida de tiempo y energía que se invertiría mejor en problemas reales concernientes a los derechos humanos. Más inquietante resulta la referencia a los derechos “ad hoc”, en un lenguaje que se asemeja al utilizado por gobiernos autocráticos y dictatoriales, que frecuentemente hablan en términos de una jerarquía de derechos.

También estamos consternados por las opiniones de una mayoría significativa de los diez miembros de la Comisión. En su conjunto, la Comisión claramente incumple el requisito legal de que la membresía de un comité asesor federal sea “equitativamente equilibrado en términos de los puntos de vista representados y las funciones a ser realizadas”. Casi todos los miembros de la Comisión han centrado sus vidas profesionales y sus estudios en cuestiones de libertad religiosa, y algunos han tratado de elevarla por encima de otros derechos fundamentales. El derecho a la libertad de pensamiento, conciencia y religión es un derecho fundamental, pero solo uno de los 30 derechos consagrados en la DUDH. Ningún miembro de la Comisión centra su atención de manera tan exclusiva en cualquier otro tema apremiante contemplado en la DUDH, incluido el derecho de asilo, el derecho a no ser sometido a torturas, el derecho a protección igual y efectiva contra cualquier discriminación, o cualquiera de los derechos económicos, sociales y culturales enumerados por la DUDH, entre otros temas.

Además, la presidenta y los miembros de la Comisión son, en su gran mayoría, miembros del clero o académicos conocidos por sostener posiciones extremas que se oponen a los derechos reproductivos y LGBTIQ, y algunos han manifestado públicamente su apoyo a violaciones indefendibles de los derechos humanos. La presidenta de la Comisión ha declarado que el matrimonio igualitario socava el bienestar de los niños<sup>2</sup>. Un miembro de la Comisión ha declarado de manera similar que “el mensaje inevitable” del matrimonio entre personas del mismo sexo “es profundamente falso y perjudicial”<sup>3</sup>. Un tercer miembro de la Comisión se manifestó contra el uso de la anticoncepción, incluso cuando ese uso procura limitar la propagación de una enfermedad<sup>4</sup>. Un cuarto relacionó cuestiones vinculadas a la identidad de género con “una enfermedad mental o alguna otra patología” y la describió como “el testimonio de una cultura sin corazón”<sup>5</sup>. Un quinto sugirió que la indignación generalizada por el asesinato y desmembramiento del periodista y disidente del gobierno saudí Jamal Khashoggi tenía motivaciones políticas dirigidas contra el gobierno de los Estados Unidos<sup>6</sup>. Un sexto ha descrito al gobierno de los Emiratos Árabes Unidos como uno “comprometido con la tolerancia [...]

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<sup>1</sup> Declaración de Viena, artículo 5: “Todos los derechos humanos son universales, indivisibles e interdependientes y están relacionados entre sí. La comunidad internacional debe tratar los derechos humanos en forma global y de manera justa y equitativa, en pie de igualdad y dándoles a todos el mismo peso”.

<sup>2</sup> [https://www.ohchr.org/Documents/Events/OHCHR20/VDPA\\_booklet\\_Spanish.pdf](https://www.ohchr.org/Documents/Events/OHCHR20/VDPA_booklet_Spanish.pdf)

<sup>3</sup> <https://virtueonline.org/harvard-law-professor-says-same-sex-marriage-about-special-preference>

<sup>4</sup> <https://insidethevatican.com/magazine/people/eugene-jacqueline-rivers-scholar-protestant-minister/>

<sup>5</sup> <https://www.thepublicdiscourse.com/2016/02/16517/>

<sup>6</sup> <https://www.thepublicdiscourse.com/2015/07/15308/>

<sup>6</sup> <https://www.pbs.org/newshour/world/members-of-new-pompeo-task-force-have-previously-praised-human-rights-abusers>

comprometido con la sociedad civil”, a pesar del notorio y bien documentado historial contra los derechos humanos de ese gobierno tanto en su país como en el extranjero<sup>7</sup>.

Se trata de posiciones profundamente preocupantes, y creemos firmemente que las personas que sostienen tales opiniones no tienen lugar en una comisión encargada de la promoción y protección de los derechos universales.

Por último, estamos alarmados por los informes y declaraciones que revelan que la Comisión se estableció sin el aporte de la DRL, encargada por ley de asesorar al Secretario de Estado, a través de su Subsecretario, en asuntos relacionados con la democracia y los derechos humanos. Consideramos que la idea de la Comisión de centrarse en “principios” pero no en “políticas” supone una distinción sin una diferencia significativa. En este sentido, observamos que la oficina designada por usted para apoyar el trabajo de la Comisión se denomina adecuadamente “Planificación de políticas”.

El dinero de los contribuyentes no debe desperdiciarse en esta Comisión. Un organismo creado por esta administración, con las funciones y los miembros que usted anunció públicamente, carece de credibilidad. Sus hallazgos no tendrán peso ni capacidad para redefinir los derechos humanos.

En lugar de continuar con esta Comisión, le pedimos que utilice los recursos de su oficina para tomar medidas contra los graves problemas de derechos humanos que enfrenta hoy el mundo, incluyendo el trato a quienes solicitan asilo, la retórica de la administración y el apoyo a muchos de los principales violadores de derechos humanos del mundo: usted tiene el poder de incidir directamente para mejorar esos problemas

Agradecemos su tiempo y atención en este asunto de suma importancia.

Atentamente,

### **Organizaciones**

Accountability Lab

Advocacy for Principled Action in Government

The Advocates for Human Rights

Advocates for Youth

Ameinu

Afrolatinos Historical Society

Agora International Human Rights Group (Russia)

Amazon Watch

American Atheists

American Civil Liberties Union (ACLU)

American Friends Service Committee

American Jewish World Service

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<sup>7</sup> Ibid.; [https://www.washingtonpost.com/opinions/2019/07/09/how-united-arab-emirates-contribute-mess-after-mess-middle-east/?utm\\_term=.8fbc3e7ae676](https://www.washingtonpost.com/opinions/2019/07/09/how-united-arab-emirates-contribute-mess-after-mess-middle-east/?utm_term=.8fbc3e7ae676)

American Psychological Association  
Amnesty International USA  
Anti-Defamation League(ADL)  
As the Spirit Moves Us  
Bayard Rustin Liberation Initiative  
Better World Campaign  
Beyond the Bomb  
Bridges Faith Initiative  
Build A Movement  
Cairo Institute for Human Rights Studies  
Campaign for Youth Justice  
Canadian Civil Liberties Association  
Cardozo Law Institute in Holocaust and Human Rights (CLIHHR)  
Catholics for Choice  
Center for American Progress  
Center for Constitutional Rights  
Center for Disability Rights Inc.  
Center for Gender and Refugee Studies  
Center for Health and Gender Equity (CHANGE)  
Center for Justice and Accountability  
Center for Reproductive Rights  
Center for Victims of Torture  
Central American Resource Center (CARECEN) DC  
Centro de Estudios Legales y Sociales (CELS)  
Chinese Human Rights Defenders (CHRD)  
Coalition for an Ethical Psychology  
Coalition for Humane Immigrant Rights (CHIRLA)  
Columbia Law School Human Rights Clinic  
Columbia Law School Human Rights Institute  
Columbia Law School Immigrants' Rights Clinic  
Corporate Accountability Lab  
Council for Global Equality  
CREDO  
Crude Accountability  
Dejusticia  
Detroit Jews for Justice  
DignityUSA  
The Egyptian Initiative for Personal Rights  
Environment and Human Rights Advisory  
Equality Arizona  
  
Equality California  
Equality Maine  
Equality North Carolina  
Equality Now  
Equality Utah

Equity Forward  
Fair Wisconsin  
Family Violence Appellate Project  
Feminist Majority Foundation  
The Feminist Wire  
Foreign Policy for America  
Four Freedoms Forum  
Freedom From Religion Foundation  
Friends Committee on National Legislation  
Georgia Peace & Justice Coalition  
Global Faith & Justice Project  
Global Fund for Women  
The Global Interfaith Network for People of All Sexes, Sexual Orientations, Gender Identities  
and Expressions  
Global Justice Center  
Global Justice Clinic, NYU School of Law  
Global Justice Institute, Metropolitan Community Churches  
Global Witness  
Government Accountability Project  
Habonim Dror North America  
Hawai'i Institute for Human Rights  
Heartland Alliance International  
Heartland Initiative  
Hip Hop Caucus  
Horizons Foundation  
Human Rights Advocates  
Human Rights Campaign  
Human Rights Educators USA  
Human Rights First  
Human Rights Law Centre  
Human Rights Project at the Urban Justice Center  
The Hunger Project  
Institute for Policy Studies -New Internationalism Project  
interACT: Advocates for Intersex Youth  
International Action Network for Gender Equity & Law  
International Center for Advocates Against Discrimination (ICAAD)  
International Center for Not-for-Profit Law  
International Center for Rights and Justice  
International Service for Human Rights (ISHR)  
International Women's Health Coalition  
Irish Council for Civil Liberties (ICCL)  
Jewish Council on Urban Affairs  
Jewish World Watch  
Just Foreign Policy  
Justice in Motion  
Kent State Truth Tribunal

Kenya Human Rights Commission  
Lambda Legal  
Latin America Working Group  
LatinoJustice PRLDEF  
Legal Resources Centre  
Leitner Center for International Law and Justice, Fordham Law School  
LGBT Bar Association of New York  
Liberty  
MADRE  
Maryland Chapter of the National Lawyers Guild  
Minnesota Peace Project  
MPactGlobal Action for Gay Men's Health and Rights  
Muslims for Progressive Values  
NARAL Pro-Choice America  
National Advocacy Center of the Sisters of the Good Shepherd  
National Advocates for Pregnant Women  
National Association of Social Workers  
National Center for Lesbian Rights  
National Center for Transgender Equality  
National Council of Churches  
National Council of Jewish Women  
National Council on Independent Living  
National Equality Action Team (NEAT)  
National Law Center on Homelessness & Poverty  
National Lawyers Guild International Committee  
National Priorities Project at the Institute for Policy Studies  
National Trans Bar Association  
National Women's Political Caucus  
#NatSecGirlSquad  
Never Again Coalition  
Open Society Foundations  
OutFront Minnesota  
OutRight Action International  
Oxfam America  
PAI  
PartnersGlobal  
PEN America  
People's Health Movement USA  
PFLAG National  
Physicians for Human Rights  
Planned Parenthood Federation of America  
Population Connection Action Fund  
Population Institute  
Presbyterian Church (USA)  
Priority Africa Network  
Project on Middle East Democracy (POMED)

Project South  
Psychologists for Social Responsibility  
Rachel Carson Council  
Reconstructing Judaism  
Rights and Emocracy of Vermont and New Hampshire  
Robert F. Kennedy Human Rights  
Safeguard Defenders  
Sex Workers Project at the Urban Justice Center  
Showing Up for Racial Justice -Montgomery County, Maryland  
Silver State Equality-Nevada  
SJSU Human Rights Institute  
The Solidarity Center  
Synergía-Initiatives for Human Rights  
Torture Abolition and Survivors Support Coalition International  
T'ruah: The Rabbinic Call for Human Rights  
Unitarian Universalist Service Committee  
United Nations Association of the USA  
University of Miami School of Law, Human Rights Clinic  
Urgent Action Fund for Women's Human Rights  
US Human Rights Network  
V-Day and One Billion Rising  
Veterans for American Ideals  
Washington Office on Latin America (WOLA)  
Win Without War  
Winnemem Wintu Tribe  
Women for Afghan Women  
Women's Alliance for Theology, Ethics, and Ritual (WATER)  
Women's Environment and Development Organization (WEDO)  
Woodhull Freedom Foundation  
World Without Genocide at Mitchell Hamline School of Law

**Firmantes individuales** (las afiliaciones se enumeran solo con fines de identificación).

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Associate Deputy Undersecretary of Labor for International Labor Affairs, 2012-2017

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Chief of Staff, State Department Bureau of Democracy, Human Rights, and Labor, 2013-2016

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Table of Hope Metropolitan  
Community Church

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Elgin Illinois

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197. Gregory Feifer  
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198. Eleanor Goldfield  
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199. Karen A. Greenaway  
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202. Sarah Holewinski  
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203. Deena R. Hurwitz  
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204. Kerry Kennedy  
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205. Glory Kilanko  
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206. Rachel Kleinfeld  
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208. Ricci Levy  
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209. Jason Lewis-Berry  
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210. John Lindsay-Poland  
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213. Nora Mardrossian  
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214. Caroline P. Mauldin  
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215. Monami Maulik International Coordinator Global Coalition on Migration

216. Barbara E. McKinney  
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217. Sarah McMains  
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218. Peter Micek General Counsel Access Now

219. Peter Montgomery  
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220. Katrina Mulligan  
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221. Blake Narendra  
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230. Rebecca Riddell  
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231. Julia Robinson  
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232. Meg Roggensack  
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233. Eric Rosans Director Prevention Project

234. Edna Zula Ruano  
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235. Jill Savitt  
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240. Darrion Smith

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241. Sandra Castro Solis

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245. Charles M. Watts

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