



INTERNATIONAL COOPERATION FOR HUMAN RIGHTS

© Ron Sachs/Consolidated News Pictures/Getty Images

All states have a duty, regardless of their political, economic, and cultural systems, to respect, protect and fulfill all human rights for everyone without discrimination. As members of the international community, governments share the collective responsibility of protecting and promoting human rights globally, in addition to guaranteeing human rights nationally.

International cooperation is essential to safeguarding human rights for everyone around the world, regardless of their distinctions or differing circumstances. For decades, U.S. administrations have turned to international partners to find solutions to the world's most difficult problems. Republican and Democratic presidents alike have recognized the importance of multilateral engagement and the critical role of the United States in international cooperation mechanisms. The United States has brought together global coalitions that have managed to stop grave human rights violations, settle international disputes, prevent violence, and provide valuable humanitarian assistance to communities in the aftermath of disaster.

The Trump administration has largely departed from the multilateral approach of its predecessors. Recent actions by the U.S. government have indicated a growing antagonism to international cooperation. Under the Trump administration, the U.S. has abandoned its seat on the UN Human Rights Council and formally moved to withdraw from the Paris Climate Agreement, an international accord to strengthen the world's response to climate change.

U.S. officials have repeatedly put forward retrograde and harmful language on LGBTI rights and sexual and reproductive rights, deviating from long established, internationally recognized human rights standards. Most recently, a report presented by Secretary of State Mike Pompeo's "Commission on Unalienable Rights" in August 2020 attempted to elevate selected "unalienable" rights, including religious freedom and the right to private property, while excluding sexual and reproductive rights, LGBTI rights, the right to non-discrimination, and other rights enshrined in international human rights standards, treaties, and agreements. The report amounts to an effort to unilaterally redefine the meaning of "human rights" and ignores treaties to which the United States is a party and international consensus regarding the scope of human rights.

In addition to seeking unilateral solutions to a multitude of complex global problems, the Trump administration has also worked to undermine the valuable work of international cooperation mechanisms through defunding and intimidation. The United States is the UN's largest funder

in absolute terms, accounting for more than one fifth of the organization's budget. Yet, recent presidential budget requests have repeatedly sought to slash funding to the UN, including funding to critical human rights functions. What is more, the White House has waged a reckless campaign of intimidation against the International Criminal Court (ICC), attempting to thwart the court's investigation into war crimes in Afghanistan by imposing sanctions on the staff.

While the actions of the Trump administration have served to further erode the perception of U.S. leadership, it is not too late to reverse course. The United States must revoke recent policies undermining international cooperation, re-engage with the international community through the UN and other international institutions, and become a stronger supporter of international human rights than ever before.

COMMISSION ON UNALIENABLE RIGHTS

INTERNATIONAL

THE ISSUE

In August of 2020, Secretary of State Mike Pompeo’s “Commission on Unalienable Rights” presented its final report, which creates a hierarchy of human rights and undermines the United States’ commitments to international human rights standards, treaties, and agreements. The report sets out to define which rights are ‘unalienable,’ elevating religious liberty and the right to private property, while dismissing rights the report calls “divisive social and political controversies,” including sexual and reproductive rights, LGBTI rights, and the right to non-discrimination.

The very undertaking of the commission and its report attempt to negate decades of human rights progress. The United States government cannot unilaterally redefine which human rights will be respected and which will be ignored. The report is falsely premised on the idea that a “proliferation of rights claims” has undermined the legitimacy and credibility of the human rights framework. Additionally, it seeks to ignore treaties to which the United States is a party, and decades of U.S. foreign policy and multilateral negotiations that represent an international consensus regarding the scope of human rights.

Despite broad condemnation of the commission’s undertaking and report from human rights groups and a diversity of members of Congress and civil society actors—and despite an ongoing administrative lawsuit under the Federal Advisory Committee Act (FACA) challenging the legality of the commissions’ establishment and work—Secretary Pompeo has instructed all State Department personnel to “read the report thoroughly” as a means to “guide every State Department employee” in the work of carrying out U.S. foreign policy. The effect of the report is already present in U.S. government work, including in the August 2020 draft update of the USAID gender policy, which changed references to human rights to those of “unalienable rights,” while likewise excising references to LGBTI people and sexual and reproductive rights throughout the policy.

What’s more, in seeking to redefine human rights in religious nationalist terms, the commission and the report provide a roadmap for other governments eager to discriminate and excuse their own rights violations in the name of national tradition and could spark a race to the bottom by human rights-abusing governments around the world.

TALKING POINTS

- Human rights are universal, indivisible, interdependent and interrelated; we cannot create a hierarchy of rights.
- The United States cannot unilaterally redefine which human rights will be respected and which will be ignored.
- The so-called “Commission on Unalienable Rights” and its report undermine decades of human

rights progress.

- The United States should be a human rights leader rather than seeking to carve out which rights it chooses to respect and which it doesn't.

RECOMMENDATIONS

- Explicitly reject the work of the “Commission on Unalienable Rights” its report, and the government’s retreat from the internationally recognized human rights framework.
- Send clear guidance to State Department and USAID personnel that rejects this report and framing of “unalienable rights” and recommits the United States to the full range of internationally-recognized human rights.

ADDITIONAL RESOURCES

- Amnesty International, et. al.: [Why We Oppose the Pompeo Commission on Unalienable Rights’ Draft Report](#)
- Amnesty International: [State Department’s flawed ‘unalienable rights’ report undermines international law](#)
- Amnesty International: [Submission to the US Department of State’s Commission on Unalienable Rights](#)

FOR MORE INFORMATION, PLEASE CONTACT:

Tarah Demant
Director, Gender, Sexuality, and Identity Program
(202) 509-8180
TDemant@aiusa.org

MULTILATERALISM

INTERNATIONAL

THE ISSUE

For decades, Republican and Democratic presidents have turned to the United Nations to resolve issues of war and peace, tackle human rights abuses around the world, and facilitate assistance to communities reeling from natural and human-made calamities. In doing so, the U.S. helped cobble together functioning coalitions that, however imperfectly, have managed to tackle some of the world's biggest challenges. The previous years have marked a departure from this multilateral approach.

The UN Human Rights Council (HRC) and the General Assembly set international human rights standards. The HRC holds member states accountable through periodic reviews of their human rights records. The Council's Universal Periodic Review mechanism provides a forum wherein each Member State's human rights performance is examined every four and a half years. Independent human rights experts – known as Special Procedures – collect first-hand accounts from officials, survivors and civil society during their country visits and intervene on individual cases and patterns of allegations of human rights violations. Among other efforts, the UN Office of the High Commissioner for Human Rights (OHCHR) provides technical expertise and capacity-building to governments around the world on protecting human rights.

Recent actions by the U.S. government have indicated a growing antagonism to multilateral engagement on human rights. U.S. officials have repeatedly put forward retrograde and harmful language on LGBTI rights and sexual and reproductive human rights (SRHR), not least of all by undermining progress at the Commission on the Status of Women and the General Assembly. In June 2018, the U.S. formally withdrew from the UN Human Rights Council. In November 2019, the U.S. formally moved to withdraw from the Paris Climate Agreement, an international compact to strengthen the world's response to climate change. The White House has waged a public campaign against the International Criminal Court (ICC), attempting to thwart the court's investigation into war crimes in Afghanistan by slapping visa restrictions on the staff and threatening their families.

It need not be this way. U.S. diplomacy has previously played a key role in condemning human rights violations around the world and extending the mandates of special rapporteurs to countries whose governments have disastrous rights records, such as Belarus and Eritrea. The U.S. must build on these achievements and reverse recent policies that have undermined multilateral progress on human rights.



© Hector Retamal / AFP via Getty Images

THE HUMAN COST

Climate change will impact all people in all corners of the world. Without action to combat the threat, it is expected to account for a quarter million deaths due to disease between 2030 and 2050. It will drastically increase the number of people suffering from hunger and displaced by flooding. According to a poll of over 10,000 young people ages 18-25 by Amnesty International, climate change was cited most frequently as the most important issue facing the world. Galvanized by the gravity of the threat, 189 state parties have ratified the Paris Agreement, with the aim of curbing global greenhouse gas emissions. In November 2019, the White House formally moved to exit the Paris Agreement. The U.S. remains the world's second largest contributor to carbon emissions.

TALKING POINTS

- From climate change to the COVID-19 pandemic, the world is facing problems that cannot be solved by governments acting alone. It will be the policy of the White House to reengage in multilateralism – at the UN and beyond – to find lasting solutions.

RECOMMENDATIONS

The White House should:

- Cease the introduction of hostile language on gender equality, LGBTI rights, and SRHR in multilateral bodies, including the UN General Assembly and the Commission on the Status of Women (CSW).
- Immediately rejoin the Paris Climate Agreement and commit the U.S. to living up to all of the agreement's terms.
- Sign, push for Senate ratification of, and develop a plan for full compliance with outstanding UN human rights treaties. To date, the U.S. has signed and ratified fewer international human rights treaties than countries including China, Russia, Saudi Arabia, and Iran.
- Nominate Americans for a seat on relevant UN human rights treaty bodies. U.S. diplomatic representatives are currently eligible for a seat on the three treaty bodies that oversee compliance with the Convention Against Torture (UNCAT), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the International Covenant on Civil and Political Rights (ICCPR).
- Reverse the Trump Administration's "Executive Order on Blocking Property Of Certain Persons Associated with the International Criminal Court" and order the U.S. Department of the Treasury to remove all ICC staff and their families from the Specially Designated Nationals And Blocked Persons List (SDN) list. Lift all visa bans against ICC staff and their families. Reaffirm the U.S. signature of the Rome Statute of the International Criminal Court.

FOR MORE INFORMATION, PLEASE CONTACT:

Daniel Balson
Advocacy Director, Europe and Central Asia
(202) 509-8132
DBalson@aiusa.org

FUNDING FOR MULTILATERAL SOLUTIONS

INTERNATIONAL

THE ISSUE

The UN plays a critical role in the global effort to promote and protect human rights. In the face of a critical funding shortfall, its ability to continue doing so is at risk. In May 2019, 399 NGOs penned an open letter to all Permanent Missions to the UN in Geneva and New York expressing grave concern that the multilateral body's human rights efforts are dangerously underfunded. These resource constraints have fundamentally impacted how the UN does its work: human rights treaty body sessions have been canceled and Special Procedure mandate holders have curtailed their missions.

The U.S. government can play a key role in addressing this funding gap. The U.S. is the UN's largest funder in absolute terms, contributing more than one fifth of the organization's budget. Yet recent presidential budget requests have repeatedly sought to slash funding to the UN, including funding to critical human rights functions. The President's Fiscal Year (FY) 2021 budget proposes 29% cuts to contributions to the UN peacekeeping activities from the congressionally enacted budget for FY2020. Were this proposal to become law, it would have a tremendous negative impact on peacekeeping efforts in some of the world's most critical conflicts, including in Mali, Central African Republic, South Sudan and elsewhere. The budget further proposes eliminating the International Organizations and Programs (IO&P) account, zeroing out the U.S. government's contributions to agencies such as the Office of the High Commissioner for Human Rights (OHCHR), UN Women, the United Nations Children's Fund, and many others.

For years, U.S. contributions to the United Nations have made the difference between life and death to millions. U.S. financial support helped erect an international human rights infrastructure that, however imperfectly, shed the spotlight on abusers previously ensconced by their own power and impunity. The U.S. government must resume its traditional role as a sponsor of international human rights, a role that has long enjoyed bipartisan support in the White House and in Congress.

TALKING POINTS

- It is the policy of the U.S. government to treat its assessments to the United Nations not as a charitable contribution but as an investment in a better future for all. Through this investment we can prevent human rights challenges from becoming human rights crises and humanitarian needs from becoming humanitarian disasters

RECOMMENDATIONS

In creating the President's FY2022 budget, the White House and the Office of Management and Budget (OMB) should move to:

- Restore the Contributions to International Organizations (CIO) request to \$1.527 billion, a sum reflective of the U.S. assessment under the UN Regular Budget, adopted by consensus in the General Assembly with U.S. support in December 2019. The CIO account funds the U.S. share of the UN regular budget and dozens of other international organizations and specialized agencies.
- Restore the Contributions for International Peacekeeping Activities (CIPA) request to at least \$2.616 billion, a sum sufficient for the U.S. to make good on its fully assessed rate as well as an additional \$956.2 million in arrears. The CIPA account funds UN peacekeeping missions and international war crimes tribunals.
- Restore Peacekeeping Operations Account (PKO) to \$525.3 million. The PKO account funds U.S. contributions to the UN Support Office in Somalia (UNSOS). PKO also includes funding for the State Department's peacekeeper training initiative.
- End withholding of human rights funds: Fully end the executive policy of withholding funds from the OHCHR. In FY18 and FY19, the White House withheld a sum of over \$54 million from the UN Regular Budget in order to defund the OHCHR and the UN Human Rights Council. This policy should be reversed and the withheld sum repaid.
- Urge Congress to lift arbitrary cap on contributions: Urge Congress to lift arbitrary cap on U.S. contributions to peacekeeping operations. Since the mid-1990s, U.S. law has capped U.S. contributions to UN peacekeeping operations at 25%; this prevents the U.S. from paying in full and results in arrears. While Congress has waived this cap in annual appropriations bills, we have not done so in years. The White House should push for a legislative reversal.
- Restore funding to UNRWA: Reverse the Administration's policy of defunding the UN Relief and Works Agency for Palestine Refugees, an entity that provides education, medical care, emergency food aid, microfinance assistance, and other critical services to vulnerable Palestinians. The Administration should commit to funding UNRWA at a level of no less than \$360 million annually, through the Migration and Refugee Assistance (MRA) account.

FOR MORE INFORMATION, PLEASE CONTACT:

Daniel Balson
Advocacy Director, Europe and Central Asia
(202) 509-8132
DBalson@aiusa.org

INTERNATIONAL CRIMINAL COURT

INTERNATIONAL

THE ISSUE

The International Criminal Court (ICC) is a court of last resort to hold government officials and other powerful actors accountable when domestic courts are unable or unwilling to prosecute the most serious crimes under international law. The Court has secured successful prosecutions for war crimes and crimes against humanity. The primary beneficiaries of the Court are the many civilian victims who can secure no justice elsewhere and the communities subject to cycles of violence fueled by impunity. They include many victims and survivors of violence for whom the United States has been a strong, vocal advocate for justice and accountability.

The ICC [exists](#) because it is difficult to hold government officials and other powerful actors accountable when they commit war crimes or grave human rights violations. That impunity, in turn, is corrosive to the broader rule of law, the prospects of lasting peace, and respect for the dignity of all. Since the ICC's establishment in 2002, diverse coalitions of faith-based organizations, human rights advocates, legal practitioners, survivors of atrocities, and other constituencies have often looked to it to complement and reinforce their work for justice.

Recently, the White House has waged a reckless campaign of intimidation against the International Criminal Court, attempting to thwart the court's investigation into war crimes by U.S. nationals in Afghanistan. On September 2, 2020, the United States [levied sanctions](#) against ICC Prosecutor Fatou Bensouda, and the ICC's Head of Jurisdiction, Complementary, and Cooperation Division, Phakiso Mochochoko. The U.S. Treasury Department [listed](#) Bensouda and Mochochoko on the Specially Designated Nationals (SDN) list, usually reserved for individuals accused by the U.S. government of terrorism, narcotrafficking, proliferating weapons of mass destruction, and other threats to international peace and security. Additionally, the State Department restricted the issuance of visas for certain individuals involved in the ICC's efforts to investigate U.S. personnel.

It is unacceptable that the United States would enact sanctions against the senior staff of a court that more than 120 countries have joined—including U.S. allies in Europe, Latin America, Africa, and the Asia-Pacific region—using tools that are [designed](#) to stigmatize war criminals and disrupt criminal networks. These sanctions constitute a [demand](#) that the U.S. government be granted a political carve out of impunity for nationals accused of having committed crimes under international law in Afghanistan. No one responsible for the most serious crimes under international law should be able to hide from accountability.

Like all other human institutions, the ICC has room for improvement. Nevertheless, from the situations in Uganda and the Central African Republic, to those in Darfur, Bangladesh and Myanmar, the ICC continues to play a vital role, filling gaps in the justice system by independently investigating and prosecuting atrocity crimes when national authorities do not do so, or when they seek out help.

At times, governments may take issue with the ICC's jurisprudence and assertions of jurisdiction. However, [concerted diplomatic efforts](#) and engagement with the ICC will enhance its effectiveness more than punishing individuals who have dedicated their careers to delivering justice to victims of

egregious crimes.

The United States can and should be a powerful voice for justice and accountability for mass atrocities. Punitive measures against the ICC diminish the credibility of that voice. We urge the administration to reverse the steps it has announced, and we urge members of Congress to clearly and publicly oppose this policy.

TALKING POINTS

- The ICC prosecutes the most serious crimes under international law—genocide, war crimes, crimes against humanity, and the crime of aggression. Resuming attacks against the Court sends a dangerous signal that the United States is hostile to human rights and the rule of law.
- The United States’ attack on the International Criminal Court is an attack on millions of victims and survivors who have experienced the most serious crimes under international law and undermines decades of groundbreaking work by the international community to advance justice.
- The ICC remains the only path to justice for thousands of victims of war crimes and serious violations of human rights across the world. The United States must help strengthen rather than to weaken the Court.

RECOMMENDATIONS

- The President must immediately revoke sanctions against ICC staff and rescind Executive Order 13928 on “Blocking Property of Certain Persons Associated with the International Criminal Court.”
- The United States should once and for all reaffirm its signature of the Rome Statute establishing the ICC, and support—not impede—its investigations.

FOR MORE INFORMATION, PLEASE CONTACT:

Daniel Balson
Advocacy Director, Europe and Central Asia
(202) 509-8132
DBalson@aiusa.org