



Physicians for Human Rights Call to Leadership of New Administration To Fulfill the Promise of Universal Human Rights

**“Man must have freedom in which to develop his full stature
and through common effort to raise the level of human dignity.”**

— Eleanor Roosevelt

December 10, 2008

Dear President-Elect Obama:

Today we celebrate the 60th anniversary of the Universal Declaration of Human Rights (UDHR), the blueprint for the realization of rights and dignity for all people. The Declaration, crafted under the leadership of Eleanor Roosevelt, has brought hope to millions across the globe. For many people, however, the rights enumerated therein have yet to be realized. Sadly, the UDHR’s vision of the interdependence of all rights (civil, political, social, economic and cultural) has been blurred for decades—first by the Cold War divide, and then by governments that have picked and chosen rights to suit their narrow interests or political ideologies. Even the civil and political rights that the U.S. embraced as preeminent have been abandoned since 9/11, as detainees in U.S. custody have been tortured, held in secret prisons, and denied due process of law.

Your election represents a triumph over prejudice and is a great stride in the long march toward equality and dignity. Our nation now has an opportunity to restore U.S. credibility and leadership in the struggle for the rule of law and for the absolute prohibition against torture, and also, for the first time, to embrace fully all the rights necessary for all people to live with dignity and realize their full potential as human beings. We urge your administration to commit to fulfilling the promise of the entire Declaration and its expansive understanding of *universal* human rights.

The full exercise of political rights can only occur with a foundation of health, security, and education. Those who are sick and lack medical care, for example, are unable to exercise their rights to full participation in society. In this context, Physicians for Human Rights (PHR) places special emphasis on the right to the highest attainable standard of health. As you acknowledged during a campaign debate, you believe that we should view health as a right.

The right to health, grounded in Article 25 of the UDHR, and elaborated in the International Covenant on Economic, Social, and Cultural rights, should be fully integrated into U.S. human rights policy both abroad and at home, along with all the other rights in the Covenant. At the same time, the U.S. must re-establish its commitment to core civil and political rights, which have been violated in recent years in the name of counter-terrorism. Both to restore respect for U.S. commitments to civil and political rights and to develop credibility in our human rights agenda by embracing economic, social, and cultural rights, PHR proposes the following six major action items for you and your administration.

- ***Ensure that the prohibition against torture will be unambiguously enforced and that health professionals are no longer involved in interrogations.***

Your administration should establish through an executive order a uniform standard that acknowledges international law prohibiting torture, namely Common Article 3 of the Geneva Convention and the UN Convention Against Torture. Such a standard should govern all U.S. agencies responsible for interrogating detainees, and must prohibit torture and all abusive techniques. The new standard should eliminate all loopholes that might allow torture, including the use of isolation, sleep deprivation, and sensory deprivation as contained in Appendix M of the 2006 U.S. Army Field Manual on Human Intelligence Collection (Army Field Manual 2-22.3). The U.S. must immediately disclose to the International Committee of the Red Cross (ICRC) the identity and whereabouts of all prisoners who either are or have been in U.S. custody since September 11, 2001. All detention sites must be made available for unscheduled and unrestricted monitoring by the ICRC.

Your administration should also establish an appropriate accountability mechanism, such as a non-partisan commission equipped with subpoena power, to expose and investigate evidence of torture and cruel treatment, and make recommendations on prosecutions for any crimes committed. The commission should have a specific subgroup to address abuses against detainees that involved participation of health professionals and violations of professional ethics. Detainees released from U.S. custody at Guantanamo Bay and elsewhere must no longer be transferred to countries where, according to the State Department Human Rights Report, severe human rights abuses may occur.

Your administration should work with the American Psychological Association to implement its September 2008 referendum prohibiting the involvement of psychologists in illegal interrogations. The government must never engage health professionals to undertake interrogation-related activities that violate individuals' human rights or professional ethics.

Administration officials must also ensure that those who experienced torture and cruel treatment while in U.S. custody have access to reparations, including an official apology, compensation, and appropriate care, including psycho-social services. Your administration should adopt a new policy for responding to hunger strikers at detention centers that complies with international standards of medical ethics, thereby abandoning the current policy of force-feeding. We urge your administration to return to the previous standard for detainee medical treatment, in place in prior to 2003, ensuring that their healthcare is parallel to that provided to U.S. soldiers.

- ***Ratify the International Covenant on Economic, Social and Cultural Rights and other key international human rights instruments.***

The United States signed the International Covenant on Economic, Social, and Cultural Rights in 1979 but has failed to ratify it. The Covenant encompasses a significant portion of the rights set forth in the UDHR and builds on those rights. Among the rights included are the right to education, the right to adequate food and shelter, labor rights, and the right to the highest attainable standard of health. By ratifying this Covenant the United States will take an essential step toward gaining international legitimacy and credibility on human rights, including the *right to health*. The United States should further demonstrate a revitalized commitment to human rights by ratifying the Convention on the Rights of People with Disabilities, the Convention on the Elimination of Discrimination Against Women, and the Convention on the Rights of the Child, which the U.S. remains alone with Somalia in its failure to ratify. Your leadership will be required to move the Senate towards these ratifications.

- ***Reassert the U.S. role in the UN mechanisms on human rights.***

Full participation of the United States in intergovernmental bodies is also a key requirement for reinstating respect for and credibility of the U.S. on human rights issues. Your new

administration should commit to seeking a seat on the UN Human Rights Council. This body, which has had a mixed record in its first years of operation, would be greatly strengthened by constructive U.S. participation. The United States should strongly support the office of the High Commissioner for Human Rights. Early in your administration, the Secretary of State should invite the High Commissioner to Washington for a meeting, signaling a new era of cooperation with the office.

- ***Invest in global health, specifically addressing women's rights and health, and the health workforce needs of disease-burdened countries.***

As health professionals, we understand that the protection and promotion of human rights represent essential conditions for global health, and serve as the foundation for the freedom, peace and security of all people. Under your leadership, the United States has a historic opportunity to strengthen U.S. partnerships internationally by expanding existing global health and development initiatives in the framework of human rights.

The incoming administration can build on and complement successful elements of U.S. global health policies and fulfill campaign commitments by announcing the goal of greater American health workforce self-sufficiency and ethical recruitment of foreign health workers. You can direct the Department of Health and Human Services (HHS) to devise and implement a strategy to increase the supply of domestically trained nurses and doctors in the face of severe shortages. The new administration must ensure continued U.S. commitment to universal access to life-saving treatment for HIV/AIDS, TB and malaria by fulfilling a campaign pledge to support one third (four million people) of those in clinical need in resource-poor countries. We urge you to reverse discriminatory U.S. policies against people living with HIV/AIDS that run counter to best public health practices, by removing HIV/AIDS from the list of communicable diseases used to bar people from entering the United States.

We are confident that your administration will promptly take a number of specific steps to specifically address women's rights and health. We call on you to rescind the *global gag rule*, which prevents integration of comprehensive family planning with other U.S.-supported disease-specific programs. The administration should actively promote effective integration of essential HIV-prevention programs and reproductive health services, and should reverse the Anti-Prostitution Pledge in the President's Emergency Plan for AIDS Relief which violates the U.S. Constitution and undermines life-saving support to an at-risk population. The U.S. should address the alarming rate of preventable maternal mortality in developing countries as a human rights issue, and intensify its efforts for prevention and treatment of violence against women in war as well as in peacetime.

- ***Sign and ratify the Rome Treaty establishing the International Criminal Court, take action to protect civilians from mass atrocities, and ensure that the U.S. does not offer safe haven for war criminals.***

As one of the first acts of your administration, the United States should sign the Rome Treaty, reversing one of the first acts of President Bush who withdrew the U.S. signature. The U.S. should commit to supporting fully the work of the Court, as it signs, and then works to promote ratification of the treaty. We trust that you will take a visionary role in assuring that the international community takes seriously its declared "Responsibility to Protect" populations from mass atrocity, including crimes against humanity and genocide. The U.S. should mobilize robust support through the UN and regional bodies for adequate international peace-keeping missions, including funding, enabling of rapid recruitment, training, and deployment of well-equipped forces. Together with other nations and working within the international system, the United States must assure that timely and appropriate measures are taken to prevent massive human rights violations, and to respond effectively when they occur.

- ***Commit to realizing the right to the highest attainable standard of health in the United States.***

The United States cannot claim to be a beacon for human rights unless it tends to its own house. Your administration must articulate a strong commitment to universal health care and take immediate steps toward delivery of preventive and curative health care of good quality. Health care should be culturally and linguistically appropriate, and communities, especially vulnerable groups, should participate in the development and monitoring of systems that are responsive to their needs. The plight of the uninsured, unacceptable race disparities in delivery of care, lack of access to quality health care in many rural and urban locations, and efforts to deny care to undocumented workers are all morally untenable. It is unacceptable that these injustices take place in the wealthiest nation on Earth. They represent serious human rights violations that your administration must address with vigor.

For too long our nation's prisons have provided poor substitutes for the systems of health care and social support that we lack. The new administration should develop a plan to overhaul the nation's approach to incarceration, assuring that the nation's prisons are no longer warehouses for the mentally ill, the socially and economically deprived, or for populations who are victims of discrimination and prejudice. Prisons should not regularly be used for persons fleeing persecution and torture in their home countries. Detention of asylum seekers denies their ability to heal from torture and ill-treatment, and severely impedes their right to seek asylum.

The drafters of the UDHR saw all human rights as intertwined and mutually dependent. Civil and political rights were only a part of a broader conception of justice and human dignity that addressed the needs of the whole person. The drafters believed that the full potential of every human being could be reached only within a framework that included social, economic, and cultural rights. Philosophically, there is no essential difference between these categories of rights; only the politics of the Cold War led to an artificial division between them and a false perception of a hierarchy in which civil and political rights took precedence.

With your election there is great hope in the promise of renewed global engagement and for respect for the rule of law at home and abroad. At the same time, there is grave concern that the economic crisis may be cause for retreat. It is precisely the time for the United States to recommit to the full range of human rights it accepted by endorsing the UDHR in 1948. As the Declaration recognizes, human rights are indivisible and all must be respected if, as Eleanor Roosevelt put it, human beings are to be lifted to "a higher standard of life and a greater enjoyment of freedom." We look forward to your leadership in ushering in a new era of rights and dignity for all human beings.

Respectfully,

Physicians for Human Rights