

Commission on Human Rights Attempts to Make Sexual Orientation an International Human Right

Would Impact Marriage, Free Speech, Freedom of Religion, and may have Pedophilia, Trafficking Implications

by Thomas W. Jacobson (18 February 2004)

The United Nations Commission on Human Rights (CHR) will meet for its 60th annual session, March 15-April 23, 2004, in Geneva, Switzerland. This year, the CHR will be chaired by Ambassador Michael Peter Floyd Smith of Australia.

One of the more contentious items expected to be debated is a “sexual orientation” resolution deferred from the 59th session. Commission members in 2003 may not have fully understood the implications of the resolution. It was viewed as a non-discrimination measure for homosexuals. Yet if “sexual orientation” should become an “international human right,” then, as is already occurring in Europe, freedom of religion and speech will be stifled. Furthermore, because “sexual orientation” is not defined in the resolution, and United Nations documents do not limit sexual “rights” by age, gender or marriage, it would be difficult to restrict such a so-called “right” to homosexuals and lesbians. Pedophiles may claim a “sexual orientation” toward children or adolescents, at least toward those who have reached the age of consent, which is as young as 12 in some nations. Also, child trafficking, particularly if the child is not under the legal age of consent, would become far more difficult to control.

In 2003, the CHR almost passed No. L.92 on “Human Rights and Sexual Orientation,”¹ the troubling resolution introduced by Brazil and co-sponsored by Canada and 18 European nations.² The champions opposing this misguided resolution were 15 Arab nations. On April 24, 2003, the CHR extensively debated the resolution until Pakistan made a motion to take “no action,” but it failed. The next day, the final day of the annual session, debate resumed and Arab nations tried to run out the clock by adding amendments. They succeeded. As time ran out, Chairman Najat Al-Hajjaji (of Libya) made a motion to delay further debate until 2004, which was approved (24 “Yes”; 17 “No”; 10 “Abstain,” including the U.S.A. and Australia). The attached table shows the 53 member nations for 2004, European Union or Organization of Islamic Conference membership, and how 39 continuing members voted on the resolution in 2003.

Challenges before the Commission and Nations

The challenges before the Member Nations of the U.N. Commission on Human Rights, including the United States, are political. When the Commission resumes, it should refrain from passing any resolutions that are destructive of marriage and the family—which are the first and foundational institutions of every nation—and thus should *oppose* any attempt to enshrine “sexual orientation” as a human “right.” As the Commission seeks to recognize the inherent dignity of every person, they should not feel compelled to affirm behaviors that are contrary to nature and destructive of the family.

Mr. Jacobson originally wrote this paper in 2004 when he was serving as Representative to the United Nations for Focus on the Family (U.S.A.), from 2001 to 2010.

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“Sexual Orientation” Proclaimed a “Universal” and “Inalienable Right”

The 2003 resolution (attached) proclaims “sexual orientation” as a “universal” right, “beyond question,” “the birthright of all human beings,” and among “the equal and inalienable rights of all members of the human family” (pars. PP2, OP2).

The Commission on Human Rights ... Stresses that human rights and fundamental freedoms are the birthright of all human beings, that the universal nature of these rights and freedoms is beyond question and that the enjoyment of such rights and freedoms should not be hindered in any way on the grounds of sexual orientation (par. OP2).

The resolution seeks to directly connect “sexual orientation” to the human rights guaranteed in the 1948 *Universal Declaration of Human Rights* (pars. PP1, PP3), and other United Nations international covenants from the 1966 *International Covenant on Civil and Political Rights* to the 1989 *Convention on the Rights of the Child*, all of which are named in the opening paragraph (par. PP1), and none of which mention “sexual orientation.”

Any Distinction = Discrimination = Violation of “Human Rights”

The clear and blatant goal of the “Human Rights and Sexual Orientation” resolution is to:

- make “sexual orientation” an international human “right” equal to other legitimate human rights, such as the God-given inalienable rights to life, freedom of speech and religion;
- define “discrimination” as any “distinction of any kind” (Homosexuals have successfully challenged laws prohibiting sodomy by claiming their sexual acts are consensual, or done in private, and the law discriminates against them based on their “sexual orientation”—when unmarried heterosexuals have private consensual relations and are not punished.)
- make “discrimination” against those who practice such immorality a violation of their “human rights” (pars. PP4, OP1); that is, to make it illegal to express opposition to homosexual, lesbian or other immoral behavior.

The phrase “without distinction of any kind” is drawn from Article 2 of the *Universal Declaration of Human Rights*, as well as Article 1 of the *Convention on the Elimination of All Forms of Discrimination Against Women*. In the context of this resolution, it is intended to mean that **any** distinction whatsoever (e.g., failure to hire; failure to grant benefits to sexual partners) on the basis of a person’s sexual orientation or sexual practices is discrimination.

National Governments to “Promote and Protect” Sexual Disorders

The resolution “Calls upon all States to promote and protect the human rights of all persons regardless of their sexual orientation” (par. OP3). This appears to call all nations to change their domestic laws to remove any prohibitions or restrictions on any person’s sexual activities.

International Rapporteur to Monitor Compliance in Nations

So-called “human rights violations on the grounds of sexual orientation” would, according to the resolution, be handled via the “special procedures” (par. OP4) of the Office of the High Commissioner for Human Rights. One type of special procedure is to monitor individual countries, for which a Special Rapporteur or Independent Expert is appointed to monitor and

report on human rights violations. (There are currently 11 nations being monitored, plus the Palestinian territories.) The second type are thematic mandates, of which there are 27, for the purpose of monitoring and reporting on human rights violations of a particular type within *any* nation. A rapporteur or a working group of up to five experts are appointed to investigate such violations as: the sale of children, child prostitution and child pornography (rapporteur is from Uruguay); enforced or involuntary disappearances (rapporteurs are from Peru, Nigeria, Macedonia, Malaysia, Canada); and freedom of religion or belief (rapporteur is from Tunisia).

If the Commission passes this resolution in 2004, a Special Rapporteur will be appointed with global jurisdiction to push nations toward compliance with the Commission's view of "sexual orientation." Also, the UN High Commissioner for Human Rights will be obligated to address "violations of human rights on the grounds of sexual orientation" (par. OP5).

Disconnecting Sexuality from Marriage or Age

A clear pattern has been evident for decades at the United Nations and its international conferences convened to formulate social policies for nations; namely, to completely separate sexual activity from marriage—the very institution which was designed by the Creator to be a lifetime covenant between a man and woman within which their sexual needs may be met. In searching through U.N. documents, *I could not find one reference to marriage—other than preventing forced or early marriage—in any paragraph discussing sexuality or reproductive health in any major international conference document.* "Sexual rights" are equated with "human rights," including statements pertaining to adolescents, girls or children. The next step is to legitimize homosexuality, lesbianism and any other "sexual orientation" as "rights."

Legalized Homosexuality will lead to Legalized Pedophilia & Child Trafficking

If under the term of "sexual orientation" (not defined), anal sex between men, and sexual relations between women, are affirmed as "international human rights," then upon what grounds would other "sexual orientations" be prohibited? A pedophile may claim that his "sexual orientation" is to young boys or girls, and that to deny him his "right" is to discriminate against him. Some people derive sexual pleasure from inflicting pain upon their partners or victims, and may claim bestiality to be their "sexual orientation." Child traffickers, especially in developing nations or where the age of consent is low, may claim they have a right to provide "work" for adolescent boys and girls, and that the "sexual orientation" of these children leads them to give pleasure to adult men or women. (1-4 million children and women are trafficked each year, mostly to be sexual slaves.) Though likely not intended, making "sexual orientation" a "human right" will likely lead to the eventual legalization of pedophilia, bestiality, other sexual disorders, and increased child and adolescent trafficking.

The absence of age, gender or marriage limitations to sexual "rights" provisions in U.N. documents, and the rapid movement in many nations to legalize and normalize homosexuality and "civil unions," are creating a national and international legal environment that may soon be permissive of any type of sexual expression.

Severe Restrictions on Freedom of Speech and Freedom of Religion

In the 1992 Treaty of Amsterdam, the European Union approved the addition of “sexual orientation” to anti-discrimination policies. Last year, Sweden completed a change to its constitution, limiting freedom of speech and freedom of religion by making it a criminal offense to speak negatively about homosexuality, whether in private, church or public. For years, homosexuals have infiltrated American corporations, quietly convincing each company to add “sexual orientation” to its non-discrimination policies, and then accusing the company of discrimination whenever they as homosexuals are not treated as equals (e.g., their “spouse” is not invited to an event) or are offended (e.g., someone displays a religious symbol). They have gained such a stronghold that an employee who offends them, or does anything the company considers a violation of the non-discrimination policy, may risk losing his job.

Natural Law and the Effects of Bad Policy on Individuals, Families and Nations

Does not nature itself speak loudly against same-sex sexual relations, as well as against pedophilia or incest? The physical distinctions between males and females leave no room for doubt that a man and a woman are designed for one another and for procreation. Sexual relations between a man and a woman within the covenant of marriage are natural and should be a wonderful expression of their love that binds them closer together, and through which they may produce children who are to be the objects and beneficiaries of their mutual love. Children have the best opportunity for healthy development in such a safe family environment, with love and guidance from both Dad and Mom.

Two men or two women cannot produce a child, and they cannot replace Dad and Mom, no matter how much social engineers try to pretend otherwise. It’s impossible to seriously envision a sustainable society of homosexual couples. Such a society would be entirely self-serving and perish in one generation.

Every nation and civilization throughout history has of necessity been established upon the foundations of marriage and the family—the bedrocks of civilization. The strength of a nation is directly tied to the strength of its families. Therefore, policies that attack or threaten the institution of the family will shake the very foundations of society. Rome fell after generations of increasing sexual depravity, permitting rampant immorality, adultery and homosexuality. Have we too become so desensitized to moral corruption that we no longer see its destructive effects? If “sexual orientation” is elevated to a “right,” promoted through “human rights education” (par. OP4) and promoted and protected by civil governments (par. OP3), then children around the world will be confused about their gender identity and the future of our families and our nations will be at risk. Will the Commission on Human Rights stand for the sanctity of marriage and family, or seek to subject the entire world to the fate of Rome?

Endnotes

¹ “Promotion and Protection of Human Rights: 2003/... Human Rights and Sexual Orientation,” Agenda Item 17, 59th Session, Commission on Human Rights, Document No. E/CN.4/2003/L.92, 16 April 2003.

² The 20 nations who co-sponsored L.92 were: Austria, Belgium, Brazil, Canada, Czech Republic*, Denmark*, Finland*, France, Germany, Greece*, Ireland, Italy*, Liechtenstein, Luxembourg*, Netherlands*, Norway*, Portugal*, Spain*, Sweden and United Kingdom of Great Britain and Northern Ireland. The 10 with an “*” are nations who are not members of the Commission on Human Rights, but as Member Nations of the United Nations are allowed to participate in the proceedings, without the power to vote (ECOSOC Rule 69, par. 3).