

Victory for Sanctity of Marriage and Life at 2004 U.N. Commission on Human Rights

Brazil Withdrew “Sexual Orientation” Resolution, Pro-Abortion/Sexual Rights Report Opposed, Plus information on 12 selected resolutions

by Thomas W. Jacobson (2004)

The big story at the 60th session of the United Nations’ Commission on Human Rights (CHR) was to be found as much in what did not happen as in what did. Due to “substantial opposition,” *Brazil* withdrew its draft resolution seeking to classify “sexual orientation” as an international human right. Special Rapporteur Paul Hunt’s international report on health—in which he sought to posit abortion, “sexual rights” and “sexual orientation” as international human rights, and “sexual minorities” as a protected class—faced strong opposition, and was “taken note of” but not “welcomed.” Not one resolution was adopted with the word “abortion” or that claimed “sexual orientation” as a human right.

CHR’s 53 member-nations—and 77 other nations represented by observer delegations (no voting power)—held their annual meeting in Geneva from March 15 to April 23, 2004. The CHR passed some country-specific resolutions critical of severe human rights violations—condemning *Cuba* and *North Korea*. The commission spent its entire last day on *the Sudan*, but to its shame, failed to condemn its government for ongoing atrocities and “ethnic cleansing” of Christians and non-Arabs. The CHR also failed to condemn *China* and *Zimbabwe* for human-rights violations. *Cuba*, *the Sudan*, *China* and *Zimbabwe* are current CHR member nations.

“Sexual Orientation” Resolution and its Implications

Brazil faced opposition to its “sexual orientation” resolution from many fronts. In January 2004, Focus on the Family USA and Christian Action Research and Education (CARE, London) launched an international effort in defend marriage and defeat the Brazilian resolution. That effort included private meetings to debrief church and government leaders in many nations; press conferences; individual meetings with ambassadors and diplomats in New York and Geneva; and formal briefings at UN/New York (March 5) and UN/Geneva (March 25), with speakers from Sweden, the Netherlands, Pakistan and the United States. Also, Archbishop Silvano Tomasi, head of the *Holy See* in Geneva, sent a well-researched analysis of the term “sexual orientation” to the CHR member-nation missions. In addition, during the first week of the CHR, *Arab* nations, including *Egypt* and *Pakistan*, threatened that all Arab nations would boycott the G77 (developing nations) meeting scheduled to be held in *Brazil* later this year *if Brazil* did not withdraw its resolution. The combined efforts contributed to *Brazil*’s decision to withdraw its resolution, though the Focus/CARE briefings appear to have had a decisive effect as *Brazil* indicated its intention to withdraw the day after the Geneva briefing.

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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Proponents framed “sexual orientation” as a human-rights issue, and during the past year lobbied national governments and their U.N. missions. Yet these advocates were not honest about their motives, or the implications of classifying “sexual orientation” as an international human right. Nor did they present an honest assessment of the impact of their effort upon true, unalienable human rights. Consequently, most officials and ambassadors may not have realized the enormous implications, unintended consequences and unprecedented global impact of such a measure—at least until they received accurate information from Focus, CARE, the Holy See or other sources.

Regarding the concept of “sexual orientation,” *there is only one*—the natural God-given attraction of a man to a woman, and a woman to a man. Psychiatrists properly classified other so-called “sexual orientations” as “sexually deviant behaviors.” However in 1973, due to political pressure, the American Psychiatric Association removed homosexuality from such classifications (see *22 Possible So-Called “Sexual Orientations,”* Focus brief 2004-05). Even nature—especially in the unique physical, biological and emotional differences between males and females—instructs us that we are created with one “sexual orientation.” Animals, with no moral conscience, are not confused about this matter.

Here a few implications and perhaps unintended consequences of making “sexual orientation”—a yet undefined term in international or U.S. law—an international human right:

- Any or all claimed “sexual orientations” may become protected (rather than punishable) behaviors, including homosexuality, pedophilia, bestiality, bisexuality, polygamy, transgender, voyeurism and other sexually deviant behaviors. Protection will *not* be limited to homosexuality and sodomy.
- Unalienable rights to freedom of speech and religion will be sacrificed as “sexual orientation” proponents pervert the concepts of equality and “non-discrimination,” and government officials enforce misguided policies, to silence all opposition, resulting in reverse discrimination against opponents of “sexual orientation” measures.
- The institution of marriage—the first human institution God created, between one man and one woman, essential to the continuation of humanity and having survived over 6,000 years—may be sacrificed to promote and justify the homosexual and sexual-rights agendas.
- Pedophilia and child-trafficking would be difficult, if not impossible, to control as pedophiles claim to be “sexually oriented” to children, as age-of-consent laws are lowered further, and as laws against child- and sex-trafficking are compromised or abolished.
- Governments will be pressured to change their laws in each of these areas, including removing laws against sodomy (or any form of male-to-male or female-to-female sex) or sexual activity of any kind that is “private” and “consensual.” Governments also will be pressured to change marriage and family laws so as to include any combination of individuals of any gender or age.

The world would undergo a radical transformation, exchanging true unalienable rights and freedoms, and the institution of marriage, for unlimited and unrestrained sexual “rights.”

Pro-Abortion/Sexual Rights Report Opposed

The CHR has more than 30 Special Rapporteurs (global or national human rights investigators assigned to specific topics, regions or nations). Paul Hunt is the global Special Rapporteur on *The right of everyone to the enjoyment of the highest attainable standard of physical and mental health* (a socialistic ideal that confuses human needs with human rights and government obligations). Rather than focusing on the essential and general health needs of people in his 2004 report (U.N. document E/CN.4/2004/49, dated 16 February 2004), Mr. Hunt:

- declared that everyone had a “right to health”
- focused on what he called “reproductive rights” and “sexual rights” (and sought to disconnect sexual behavior from marriage or bearing children)
- asserted that these so-called “rights” included abortion and “sexual orientation”
- sought to create and protect a new class of people, “sexual minorities,” identified by their particular sexual deviation

(For quotes and an analysis of the Hunt Report, see *Hunt Report Posits Abortion, “Sexual Rights” and “Sexual Orientation” as Human Rights*, Focus U.N. brief 2004-11.)

Ambassador Richard S. Williamson, head of the *U.S.* delegation, publicly reprimanded the Special Rapporteur during the CHR, stating that Mr. Hunt had exceeded the authority of his mandate, and issuing a letter to the Chairman objecting to Mr. Hunt’s report. Williamson wrote,

Most troubling ... is the Special Rapporteur’s apparent confusion about what constitutes international human rights law. We would like to know why he appears to believe “General Comments” produced by treaty bodies ... constitute international human rights law, as he has erroneously suggested in his discussion on discrimination on the ground of sexual orientation. In fact, it is not international human rights law. (See March 30, 2004 statement, www.humanrights-usa.net/statements/0330WilliamsonHealth.htm)

The Hunt report is mentioned in resolution L.41, sponsored by *Brazil*. In its first draft, *Brazil* affirmatively proclaimed the CHR “Welcomed” the report, but due to strong objections from member nations, the recognition of the report was lowered to “Taking note of” (E/CN.4/2004/L.41, par. 14).

Canada Covertly Promotes Abortion

Canada sponsored a resolution on *Elimination of Violence Against Women*, and, knowing that no country would want to oppose such a resolution, stealthily used the opportunity to insert covert U.N. language promoting abortion in two paragraphs (E/CN.4/2004/L.63). In OP-7 [operational paragraph 7], while addressing the impact of violence on women’s “physical and mental health,” *Canada* called on governments to “ensure that women have access to comprehensive ... health care services” regarding their “reproductive and sexual health.” For years at the U.N., it has been clearly understood that if “services” is contained in a sentence on reproductive or sexual health, that it may include abortion and abortifacients. That is precisely why the *United States* offered an amendment to delete the word “services” but retain the broad term “health care.” Only courageous *Costa Rica* stood with the *United States*, so the term was retained. Following the vote on the U.S. amendment, *Egypt* and *Mexico* publicly stated that the term did not mean or include abortion, and *China* openly, mockingly chided the *United States*, saying, “We studied all the English dictionaries and could not find anywhere where it [‘services’] meant abortion. The explanation given by America is not sound.” Either the delegate did not know what certain

terms mean in U.N. documents or he was being disingenuous. Regardless, three nations went on record saying the term does include abortion.

In paragraph OP-12, the resolution “*Reminds* Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination Against Women [CEDAW] must be implemented fully ... taking into account general recommendation 19 adopted by the [CEDAW monitoring and enforcement] Committee.” The inclusion of the reference to General Recommendation 19 was another crafty way to promote abortion, though no nation noted or voiced concern about it during final consideration and voting on this resolution. Here is what the Committee’s Recommendation 19 (11th session, year 1992) included:

States parties should ... ensure that women are not forced to seek unsafe medical procedures such as illegal abortion because of lack of appropriate services in regard to fertility control” [No. 24(m)].

(See: www.un.org/womenwatch/daw/cedaw/recomm.htm)

Here is what this means: “fertility control” (or “regulation of fertility”) and “services” are UN code terms for abortion and abortifacients. The CEDAW Committee, which views legal abortion as a safe medical procedure, was saying that governments should ensure access to legal abortion so women are not “forced” to either remain pregnant or get an “illegal abortion.”

The *Canada* resolution was adopted without a vote, and with both veiled abortion references retained in the document.

Good Resolutions on Religious Intolerance and Freedom of Expression

Brazil sponsored resolution L.57, *The Incompatibility Between Democracy and Racism* (E/CN.4/2004/L.57), which was adopted by consensus (without a vote), and included for the first time the term “Christianophobia” instead of just “anti-Semitism” or “Islamophobia.” OP 5 reads:

[The CHR] Recognizes with deep concern the increase in anti-Semitism, and Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas against Arab, Christian, Jewish and Muslim communities

In keeping with this pattern, *Argentina* successfully offered an amendment to another resolution, L.55, *Elimination of All Forms of Religious Intolerance* (E/CN.4/2004/L.55), sponsored by *The Netherlands*, to add “Christophobia” to an introductory paragraph that contained “Islamophobia and anti-Semitism” (on p. 3; amendment E/CN.4/2004/L.111).

Pakistan, as agent for the Islamic countries, explained their position:

Every individual has the right to freedom of religion or belief ... of his own choice. ... The rising trend of religious intolerance ... especially against Muslims is a matter of grave concern. ... ‘Semites’ include Jews, Muslims and Christians; it is misleading to include ‘anti-Semitism’ in this resolution.

L.55 was adopted without a vote. May Islamic nations, and all nations, truly respect “the right to freedom of religion and belief,” especially of their own citizens.

Canada sponsored another resolution, L. 65, *The Right to Freedom of Opinion and Expression* (E.CN.4/2004/L.65), which was adopted without a vote. May *Canada* respect the

rights of its own citizens to follow and express their religious convictions, and not persecute those who oppose liberal government policies on homosexuality and “sexual orientation.”

Anti-Trafficking Resolutions

The CHR adopted (without a vote) two resolutions opposing trafficking: L.60, *Trafficking in Women and Girls* (E/CN.4/2004/L.60); and L.62, *Special Rapporteur on Trafficking in Persons, Especially in Women and Girls* (E/CN.4/2004/L.62), sponsored by *Germany*. The latter authorized the appointment of a Special Rapporteur to monitor and report on trafficking of persons worldwide.

Corporal Punishment Equated with Torture

Denmark authored L.61, *Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (E/CN.4/2004/L.61), but inserted a paragraph equating corporal punishment to “cruel, inhuman ... punishment” and “torture,” which no country seemed to notice or object to.

[The CHR] Reminds Governments that corporal punishment, including of children, can amount to cruel, inhuman or degrading punishment or even to torture (OP-6).

In the UN context, this is of concern because the Committee on the Rights of the Child interprets that Convention to prohibit parents from spanking their children, and pressures nations to make laws prohibiting spanking. L.61 was adopted without a vote.

Resolutions Condemning Serious Human Rights Violations in Specific Nations

CUBA: *Honduras* sponsored a resolution (L.13) condemning the Castro regime for violating the human rights of the Cuban people. Many Castro government representatives were present in the conference room for the final debate and vote. *China* and *Zimbabwe* commended *Cuba* for progress in human rights, and *the Congo*, *Russia*, *the Sudan* and *Togo* openly opposed L.13. Even so, to the utter amazement of the Castro representatives, the resolution passed by one vote (22-Yes; 21-No; 10-Abstain). One of the Cuban Americans on the U.S. delegation, Mr. Luis Zuniga, spent 19 years in a Cuban prison as a political prisoner, six of which were in a “hole,” naked and in complete darkness.

Shortly after the vote, just outside the conference room, a member of the Cuban delegation ran across the floor and hit a free Cuban American on the side of the head so hard that the man fell to the floor, unconscious. U.S. Ambassador Moley was standing close by and chased after the Cuban, but two U.N. security guards tackled the Cuban to the ground. The Cuban ambassador claimed diplomatic immunity for the nation’s delegate, but Amb. Moley said charges will be filed. The Cuban American was taken to the hospital and later released.

NORTH KOREA: L.21 condemned *the Democratic People’s Republic of Korea* for violating the human rights of the North Korean people (E/CN.4/2004/L.21). Approved (29-Yes; 8-No; 16-Abstained).

CHINA: The *United States* praised *China* for its progress in respecting human rights, but still sponsored a resolution (E/CN.4/2004/L.37) criticizing *China* for multiple areas of human rights violations, including “severe restrictions on freedom of assembly, association,

expression, conscience and religion” (“The Situation of Human Rights in China,” U.S. statement on consideration of Draft Resolution, April 8, 2004).

China called for a “no action” vote, and succeeded (28-Yes; 16-No; 9-Abstain).

ZIMBABWE: *Ireland*, on behalf of the *European Union*, sponsored L.33 criticizing the Mugabe regime for numerous human rights abuses (E/CN.4/2004/L.33). *Zimbabwe* called for a vote to take “no action,” and succeeded (27-Yes to “no action”; 24-No; 2-Abstained).

Commission Fails to Condemn the Sudan for Ongoing Atrocities

THE SUDAN: The saddest day of the 2004 CHR was its last day, April 23, when it failed to muster the courage to condemn *the Sudan* for “ethnic cleansing” and countless atrocities against its Christian/non-Arab peoples in its southern lands. U.N. Secretary General Kofi Annan (the top U.N. official in charge of peacekeeping during the 1994 *Rwanda* massacre) appeared before the Commission on April 7th to urge them to take action to stop the “ethnic cleansing” in the Sudan, and not to fail as the U.N. and CHR did in 1994. Nevertheless, the Commission’s response was tantamount to silence, as it was during the *Rwanda* and *Cambodia* massacres.

Draft resolution L.36, *Situation of Human Rights in the Sudan* (E/CN.4/2004/L.36), truthfully, though insufficiently, stated the gravity of the situation in Sudan’s southern region; namely, that *Sudanese Government* troops were collaborating with Janjaweed militia groups (both Arab) to pillage and burn entire non-Arab civilian villages in the Darfur region, and to murder and rape civilians without impunity. The resolution did *not* describe the longevity of the atrocities, the massive numbers of people killed or displaced, or the enslavement of countless Christian Sudanese.

African nations sided with *the Sudan*, and blocked consideration of L.36 by offering a weak substitute resolution with the same title (Agenda Item 3; E/CN.4/2004/Future.6), which did not mention the atrocities, and rejected interference by non-African nations.

The *United States* then offered two amendments to the *African* substitute, pulling two paragraphs from L.36 that specifically mentioned the atrocities and “the forced de-population of entire areas,” and called upon the *Sudanese Government* to cease collaborative efforts with the Janjaweed militia groups. U.S. Ambassador Richard Williamson delivered a bold statement:

Edmund Burke said that all that is necessary for evil to prevail is for good men to fail to act.

...

After World War II, the world said ‘Never Again.’ Then came Cambodia where the ‘Killing Fields’ were awash with blood. Ten years ago in Rwanda, evil reigned. In 100 days, 800,000 were killed in a rampage of killings. The world knew that the terrible acts were being committed, yet the international community failed to act. Again, the world said, ‘Never Again.’

Both amendments were voted on, but failed (19-Yes; 26-No; 8-Abstain). Then a vote was taken on the *African* substitute (Item 3; Future.6), which passed (50-Yes; 1 [*U.S.*]-No; 2-Abstain). Afterwards, the *United States* still called for consideration of and a vote on L.36, but was preempted by *the Congo*, which (on behalf of the *African* nations) used Rule 49 (a procedural motion) to call for a vote on whether to close debate and adjourn. The *Congo/Africa* motion carried, which stopped all further debate on *the Sudan* resolution (27-Yes; 7-No; 19-Abstain).