

United Nations Human Rights Commission To Debate Singling Out Sexual Orientation As Special "Human Right"

by Frank York

This resolution would have far-reaching repercussions on our understanding of family, sexuality and gender—and would likely affect reorientation therapists as well.

The International Gay and Lesbian Human Rights Commission (IGLHRC) has successfully lobbied the United Nations Commission on Human Rights (UNCHR) to hear arguments in March and April of 2004 that sexual orientation is a human right that should be singled out for special protection by the U.N.

Goal is to "Change Attitudes and Behavior"

The U.N. Commission on Human Rights will meet in Geneva between March 15-April 25 to discuss a number of human rights concerns. It will consider a resolution created by the Gay and Lesbian Human Rights Commission that says in part:

"Affirming that human rights education is a key to changing attitudes and behavior and to promoting respect for diversity in societies"

"Expresses deep concern at the occurrence of violations of human rights in the world against persons on the grounds of their sexual orientation."

A Broad Agenda At Work

The International Gay and Lesbian Human Rights Commission's effort is spearheaded by the group's president, law professor and lesbian activist Paula Ettelbrick.

Her organization is not only involved in promoting homosexual behavior as a U.N.-protected right, but is working for the development of other new rights in the area of gender and sexual behavior—particularly, the legalization of same-sex marriage; legalized prostitution in Brazil; and special legal protections for transsexuals so that they will be recognized as members of the opposite sex in the workplace.

The law must work to protect nontraditional family arrangements, according to Ettelbrick. Writing in a law review article in 2001, she observes that,

"...the family structures of lesbians and gay men who have children simply do not fit into the marital structure erected to envelop heterosexual, married couples and their children Every lesbian

couple with a biological child has an automatic third person—the donor/father—who factors into the family Significant changes to the legal rules of parenting would have to be made to accommodate these families."

Thus, establishing sexual orientation as a human right under the United Nations would serve to recognize and socially normalize entirely new family structures which will include three parents—two mothers and a sperm father, or two fathers whose child will be conceived by a lesbian mother.

Ettelbrick has expressed her disdain for the traditional marriage in an article entitled, "Since When is Marriage a Path to Liberation?" quoted in *Lesbians, Gay Men and the Law* (The New Press, 1993).

The Goal, Activist Says, is to "Radically Reorder Society's View Of Reality"

Ettelbrick writes: "In arguing for the right to legal marriage, lesbian and gay men would be forced to claim that we are just like heterosexual couples, have the same goals and purposes, and vow to structure our lives similarly. ... We must keep our eyes on the goals of providing true alternatives to marriage, and of radically reordering society's view of reality."

The Gay & Lesbian Review Worldwide (November 1, 2003) published an essay detailing how the United Nations can be used to promote homosexuality worldwide.

In "How the U.N. Can Advance Gay Rights," the unnamed author said opposition to homosexuality is akin to the Nazi persecution of homosexuals during World War II. The goal, the author explained, is to use the U.N.'s Commission on Human Rights as well as the International Criminal Court (ICC) to require nations to establish homosexuality as a human right.

Canadian law professor Douglas Sanders, writing in "Human Rights and Sexual Orientation in International Law," (*International Journal of Public Administration*, 2002) details the gradual erosion of national sovereignty in the area of sexual orientation issues during the past two decades.

When Singled Out for Special Recognition as a "Human Right," Homosexuality Achieves Status as Indistinguishable from Heterosexuality

Sanders notes that a breakthrough case on sexual orientation was decided by the European Court of Human Rights in 1981, when it sided with gay activists in Ireland who challenged a law that criminalized sodomy in that nation. In *Dudgeon v. United Kingdom*, the court ruled that the law was a violation of human rights.

Then, in 1997, the court used this case to strike down unequal penalties for violation of the United Kingdom's age-of-consent laws. Similar developments have taken place in the European Union, where the European Parliament in 1998 issued a statement condemning Austria, Bulgaria, Cyprus, Estonia, Hungary, Lithuania, and Romania for their "unfair" treatment of homosexuals. A Charter of Fundamental Rights proclaimed by the European Parliament in 2000 prohibits discrimination—and includes sexual orientation in the document.

This trend of singling out homosexual behavior as a specially protected human right is continuing throughout Europe. According to Sanders, "International law can develop only when there have been reforms at the level of domestic legal systems. Reforms in western states have been accelerating. We have moved beyond a focus on decriminalization, and even beyond a focus on discrimination. Now the spread of laws recognizing same-sex relationships is the most striking development in the West."

U.S. Has Resisted Entanglement With U.N. Court

The U.N. International Criminal Court came into being in 2002. When it was first being debated in 1998-99, then-President Clinton signed the Rome Statute, which was the document creating the court.

However, in 2002, the Bush State Department informed the United Nations that our country would not be part of the treaty.

Since then, 78 other nations have signed the treaty and have placed their national sovereignty under the control of U.N. bureaucrats.

What this means is that if the Human Rights Commission decides that sexual orientation is a specially acknowledged human right, it will use its enforcement powers and the power of the ICC to declare to these 78 nations that their policies against homosexual behavior are illegal. This policy would impact counselors, psychologists, and psychiatrists in these nations who believe in reparative therapy.

A favorable decision by the U.N. commission would also eventually impact social policies here in the United States in dealing with the issue of homosexuality. As foreign nations are forced to change their policies, these legal decisions will be cited by American judges in making rulings against reorientation therapy for those struggling with same-sex attractions—or for laws involving homosexuality.

In February, 2004, the United Nations General Assembly approved the appointment of Canadian Supreme Court Justice Louise Arbour to become the new Commissioner on Human Rights at the United Nations. She has a reputation for being an internationalist who wishes to use the International Criminal Court to impose sanctions against nations that violate what the U.N. considers human rights violations.

Justice Arbour has been widely viewed in Canada as supporter of the homosexual political agenda. In a 2002 case involving pro-homosexual books being placed in elementary school libraries, she sided with gay activists and declared that gay couples are no different than heterosexual couples.

Foreign Decisions Cited In American Legal Cases

Judge Robert Bork, writing in his 2003 book, *Coercing Virtue: The Worldwide Rule of Judges*, notes that more and more judges in the United States are referring to foreign courts when they issue their rulings. This is especially true when it comes to issues such as homosexuality or abortion. Bork sees no quick solution to this trend except to get judges on state and federal courts who do not support this activist agenda.

Another solution, some observers have noted, is to make certain that the United States does not sign any United Nations treaties that will give up our national sovereignty to any United Nations entity—especially to the International Criminal Court or the United Nations Commission on Human Rights.

Yet Justice Sandra Day O'Connor is encouraged by this trend. She noted in a speech last year, "No institution of government can afford any longer to ignore the rest of the world," and she declared that foreign court decisions "may not only enrich our own country's decisions; it will create that all-important good impression."

The person who sits in the White House and the Senators who have the power to ratify treaties will play key roles in determining whether or not we give up our sovereignty over sexual-orientation issues. ■