



Family Policy Brief

The Yogyakarta Principles: The “Magna Charta” of the Sexual Rights Movement

The Yogyakarta Principles¹ constitute one of the greatest current threats to the institution of the family. This radical document seeks to redefine gender and promote governmental and societal recognition, protection and promotion of any kind of sexual behavior—no matter how harmful. Even more concerning, those who promote the Yogyakarta Principles are seeking to implement them with the force of law.

Calling themselves “The International Commission of Jurists and the International Service for Human Rights” and defining themselves as “experts,” a group of 30 sexual rights activists came together in Yogyakarta, Indonesia, in November 2006 to develop the Yogyakarta Principles, which, in essence, is a wish list of sexual rights relating to orientation and gender identity. The drafters claim these Principles “*affirm binding international legal standards with which all States must comply.*” Yet the drafters fail to identify the supposed “*binding legal standards*” on which the Principles are based.

International human rights emanate from international treaties adopted by United Nations Member States. To date, “sexual orientation” and “gender identity” are not mentioned in *any* UN treaty or other consensus document. In fact, every time sexual orientation and gender identity provisions have been proposed during negotiations for inclusion in UN consensus documents, they have been flatly rejected by the majority of UN Member States. This means that the Yogyakarta Principles, which purport to “*reflect the existing state of international human rights law in relation to issues of sexual orientation and gender identity,*” have actually been created out of thin air. Yet they are getting far too much traction in a number of venues, and this needs to be curtailed.

The following is an analysis of a few of the radical provisions in the Yogyakarta Principles:

All Forms of Sexual Expression Declared a “Human Right”

The Yogyakarta Principles begin by declaring that: “*Sexual orientation and gender identity are integral to every person’s dignity and humanity and must not be the basis for discrimination or abuse.*” The Principles further assert that the expression of one’s “*sexual orientation*” or “*gender identity*” is a human right, and, therefore, States cannot limit or restrict the expression of sexuality or gender identity in any way.

¹ *The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity*; available: www.yogyakartaprinciples.org.

Sexual Anarchy

Although most people think of homosexuality when they see the term “sexual orientation,” the Principles do not strictly limit the definition of sexual orientation to homosexuality. In addition to heterosexuality and homosexuality, the American Psychological Association recognizes 28 other sexual orientations or behaviours—including transgenderism, pedophilia, voyeurism and bestiality. Conceivably, if given the force of law, the Principles could be used to promote and protect a number of deviant and harmful sexual behaviors.

Government Mandated Indoctrination

The Principles call upon governments to take “*appropriate action, including programmes of education and training, with a view to achieving the elimination of prejudicial or discriminatory attitudes or behaviours which are related to the idea of the inferiority or the superiority of any sexual orientation or gender identity or gender expression.*” (*Emphasis added.*) This would appear to eliminate any ability of governments to distinguish between heterosexuality and other forms of sexuality.

Right to Change One’s Gender at Society’s Cost

The Principles call for nations to ensure that “*identity papers ... reflect the person’s profound self-defined gender identity.*” This would grant individuals the right to change their driver’s license and passport to reflect any gender they choose. Also, according to the Principles, governments should facilitate “*access by those seeking body modifications related to gender reassignment to competent, nondiscriminatory treatment, care and support*” and “*undertake targeted programmes to provide social support for all persons experiencing gender transitioning or reassignment.*” In other words, it would be a government’s responsibility to facilitate sex change operations and to provide programs to help people transition into a new gender.

Reparative Therapy for Sexual Identity Disorders Prohibited

The Principles require governments to “*ensure that any medical or psychological treatment or counseling does not, explicitly or implicitly, treat sexual orientation and gender identity as medical conditions*” and that these conditions are “*not to be treated, cured or suppressed.*” In other words, it would be illegal for professionals to treat patients for unwanted same-sex attraction or gender identity disorder (GID).

Freedom of Speech Trampled On

The Principles seek to (1) “*Ensure that the exercise of freedom of opinion and expression does not violate the rights and freedoms of persons of diverse sexual orientations and gender identities*” and (2) “*Ensure that the expression, practice and promotion of different opinions, convictions and beliefs with regard to issues of sexual orientation or gender identity is not undertaken in a manner incompatible with human rights.*” The Yogyakarta Principles could make it illegal to hold a negative opinion or express a negative belief about a specific sexual orientation. Censorship of religious texts, speech or even scientific research that says anything negative about any sexual orientation could follow.

Advancement of the Principles at the United Nations

Consultative Status for Homosexual Groups

In recent years, the UN, under great pressure from homosexual activists, granted consultative status² to homosexual rights groups despite the protest of several countries. This development was the result of an aggressive campaign launched by the International Lesbian and Gay Association (ILGA), urging all of the Association's more than 600 affiliates to apply for consultative status with the UN. Shortly after the Yogyakarta Principles were released, Beto de Jesus, a member of the Board of the Brazilian LGBT Federation (one of the homosexual groups granted consultative status), delivered a speech at the UN Human Rights Council encouraging the Council to "use the Yogyakarta Principles to frame a future debate on sexual orientation and gender identity."

UN Rapporteurs

Although the task clearly was outside of their assigned mandates, nine UN rapporteurs were part of the team that drafted the Yogyakarta Principles. Fortunately, the Third Committee of the UN General Assembly recently voted to reject a report from one of these rapporteurs (see A/C.3/64/L.43/REV.1), which sought to promote the Principles and radically redefine gender in a manner counter to UN consensus documents.

The Office of the UN High Commissioner for Human Rights

In November 2007, the Principles were formally launched at the UN by a panel sponsored by a coalition of NGOs and the governments of Argentina, Brazil and Uruguay.³ Participants on the panel included Mary Robinson, the former UN High Commissioner for Human Rights. Her successor, Louise Arbour, also wrote a statement in support of the Principles for the occasion.

Universal Periodic Reviews

Sexual rights activists are using the Universal Periodic Reviews (UPRs) to advance the Yogyakarta Principles. NGOs that promote sexual rights have made a number of submissions to the UPR Committee outlining what they consider are human rights violations relating to sexual orientation and gender identity. Many of the NGOs are relying on the Yogyakarta Principles to justify their grievances to the UPR Committee. The Principles are also referenced in the reports of the Office of the High Commissioner for Human Rights (OHCHR) on the interactions between the OHCHR and the countries under review, and in the outcome report and recommendations of the Working Group.

In addition, in conjunction with the 60th anniversary of the Universal Declaration on Human Rights, the High Commissioner issued a written statement calling it "unthinkable" to discriminate against people on the basis of "sexual orientation or gender identity." She referenced the Yogyakarta Principles as support for this statement.

Pushback Against the Principles

² Consultative status allows an organization special access to UN meetings and UN delegations.

Activists claim that the Yogyakarta Principles are universal legal standards that have obtained the status of customary international law because of their alleged widespread acceptance. This can easily be refuted by the fact that most UN Member States have laws that run counter to one or more of the Principle's provisions. The fact that sexual rights activists are fighting to get the Principles recognized as internationally accepted norms also indicates that they are *not* the norm.

However, the Principles could soon become the norm if the sexual rights activists can convince enough countries to accept them as binding legal standards that they are obligated to enforce or even if the activists can just convince countries to adopt part or all of the Principles as national policy.

According to the UN Charter, all UN agencies, employees, staff, special rapporteurs, committees, offices, UN accredited NGOs, etc. are supposed to be accountable to UN Member States. Yet somehow the tables have turned, and many of these UN-created or UN-affiliated entities are trying to make UN member states accountable to them as they overstep their mandates to promote the sexual rights agenda. In fact, sexual rights activists aggressively seek appointments to all of these UN entities so they can manipulate various parts of the UN system to pressure UN member states into adopting laws and policies that advance their agenda, with the Yogyakarta Principles as one of their key guiding documents.

It is time for UN member states to reverse this encroachment on their national sovereignty by (1) denouncing the Yogyakarta Principles in a General Assembly resolution, and (2) ensuring that whenever any references to the Yogyakarta Principles are proposed in UN negotiations, they are decisively rejected as overreaching and inconsistent with UN consensus documents.