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Vatican: Laws must regulate sexual behaviors

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GENEVA -- States have the right and duty to regulate people's behavior, including some sexual behaviors, a Vatican official told the U.N. Human Rights Council.

"A state should never punish a person or deprive a person of the enjoyment of any human right based just on the person's feelings and thoughts, including sexual thoughts and feelings. But states can and must regulate behaviors, including various sexual behaviors," said Archbishop Silvano Tomasi, the Vatican's representative to U.N. agencies in Geneva.

The archbishop addressed the Human Rights Council March 22, telling it that there is consensus among societies that "certain kinds of sexual behaviors must be forbidden by law. Pedophilia and incest are two examples."

The Vatican affirms "the inherent dignity and worth of all human beings" and condemns "all violence that is targeted against people because of their sexual feelings and thoughts or sexual behaviors," he said.

However, there is "some unnecessary confusion" as to what is protected when talking about sexual orientation, he said. Sexual orientation "refers to feelings and thoughts, not behavior," he said.

In December 2008, a proposed declaration presented to the U.N. General Assembly sought to condemn violence, harassment, discrimination and exclusion based on sexual orientation and gender identity and to endorse the universal decriminalization of homosexuality.

Sixty-eight member countries sponsored the proposed Declaration on Human Rights, Sexual Orientation and Gender Identity, and 57 U.N. member nations, including the Vatican, co-sponsored an opposing statement.

The U.N. office of the High Commissioner for Human Rights has been advocating that nations combat discrimination based on sexual orientation; it said that in more than 70 countries, homosexuality activity is a crime which in some cases is punishable with imprisonment, torture or the death penalty.

The Vatican is against considering homosexuality a crime and supports ending violence against homosexuals, but does not support granting new rights, said a leading Vatican diplomat when the U.N. proposal was presented in 2008.

The Vatican's opposition to the declaration stems from a concern that such a declaration might be used to put pressure on or discriminate against countries that do not recognize same-sex marriage, said Archbishop Celestino Migliore, the Vatican's apostolic nuncio to the United Nations.

The Vatican appreciates efforts in the declaration aimed at condemning all forms of violence against homosexuals and urging nations to put an end to all criminal penalties against them, the archbishop told the U.N. General Assembly Dec. 18, 2008.

However, the declaration's wording and its introduction of new categories of "sexual orientation" and "gender identity" for human rights' protections go "well beyond the above-mentioned and shared intent" and "find no recognition or clear and agreed definition in international law."

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