

The Significance of the Geneva Consensus Declaration

By Rebecca Oas, Ph.D.

INTRODUCTION

In October 2020, “ministers and high representatives” of 34 countries signed a document called the Geneva Consensus Declaration on Promoting Women’s Health and Strengthening the Family (GCD).¹ The declaration prioritized the promotion of good health policies for women. It also affirmed that there is no international human right to abortion and emphasized the centrality of the family as foundational to society, citing internationally agreed documents. The project was spearheaded by the United States under former President Donald Trump, and shortly after taking office, President Joe Biden removed the U.S. from the declaration. Nevertheless, one year after the declaration was first launched, two additional countries signed it, indicating that the GCD initiative remains alive and well, even with a hostile United States. This *Definitions* considers the importance of the Geneva Consensus Declaration in the context of the ongoing debates about social issues in the international context.

The Content of the Declaration

The GCD is a relatively brief document, spanning only two pages including footnotes. The footnotes take up a significant portion of space, and nearly every phrase in the declaration is



GCD SIGNATORIES

Bahrain
Belarus
Benin
*Brazil**
Burkina Faso
Cameroon
*Democratic Republic
of the Congo*
Republic of the Congo
Djibouti
*Egypt**
Eswatini
Gambia
Georgia
*Guatemala***
Haiti
*Hungary**
*Indonesia**
Iraq
Kenya
Kuwait
Libya
Nauru
Niger
Oman
Pakistan
Paraguay
Poland
*Russian Federation***
Saudi Arabia
Senegal
South Sudan
Sudan
*Uganda**
United Arab Emirates
*United States of America**
(now withdrawn)
Zambia

**sponsoring country*

***recent signatory*

a direct quotation from a UN document adopted by consensus, including the International Conference on Population and Development (ICPD) Programme of Action,² which was approved at Cairo, Egypt in 1994, and the Beijing Declaration and Platform for Action adopted at the 1995 Fourth International Conference on Women held in Beijing, China.³ Other citations include articles from the UN’s core human rights treaties and the Universal Declaration on Human Rights (UDHR), one of the founding documents of the UN.

The declaration reaffirms the dignity of the human person, the equality of men and women, the importance of the family, and the need for strong health care systems, particularly for mothers and children. It reaffirms the Cairo agreement that abortion should never be promoted as a method of family planning and that its legality is solely for national governments to determine; thus, it cannot be considered a human right. Furthermore, the GCD quotes the 1959 Declaration on the Rights of the Child, which states that children need safeguards and care “before as well as after birth”—text that was later incorporated into the preamble to the 1989 Convention on the Rights of the Child.⁴

The GCD quotes the UDHR in reaffirming that “the family is the natural and fundamental group unit of society and is entitled to protection by society and the State,” as well as its emphasis on the importance of motherhood.

At a virtual event launching the GCD, U.S. Secretary of State Mike Pompeo and Health and Human Services Secretary Alex Azar made remarks along with representatives of the other signatory countries. Pompeo said, “we in America believe that every child — born and unborn — is a sacred gift from God,” and Azar referred to the event as “a high point of my tenure as Secretary.”⁵ Other officials within the Trump administration who helped bring the GCD to fruition included former U.S. Special Representative for Global Women’s Health Valerie Huber at the Department for Health and Human Services, Office of Global Affairs, and former Acting Assistant Secretary for International Organizations Affairs and Senior Advisor Pamela Pryor at the State Department.

The GCD generated predictable outrage from the abortion lobby, which was quick to denigrate the human rights records of the signatories and insist that there is, in fact, a human right to abortion, and that the language affirming the family as “natural and fundamental” was a coded attack on people who identify as LGBTQ.⁶ Within the U.S., however, the biggest threat to the

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GCD came during the November 2020 presidential election, followed by the January 2021 inauguration of Joe Biden, a pro-abortion Democrat, as President of the U.S. On January 28, 2021, Biden signed a memorandum announcing his intention to withdraw the U.S. from the GCD,⁷ and in April, 2021, his U.S. mission to the UN sent a letter to the other GCD signatories announcing the U.S.'s withdrawal from the declaration. "Upon reviewing the Declaration, we have reservations that aspects of the document are not consistent with our current Administration's policies, including those relating to women's health, LGBTQI equality, and gender equality," the letter said.⁸

In the wake of Biden's inauguration, abortion proponents wondered if the GCD coalition would fall apart without U.S. leadership.⁹ In particular, pro-abortion organizations in Kenya lobbied their government to withdraw from the group—thus far unsuccessfully—while pro-life organizations circulated petitions in support of Kenya's stance for life and family.

One year after the GCD was first launched, apart from the U.S. defection, the coalition has not only stood firm but added two new signatories: Guatemala and the Russian Federation. Former Trump administration official and GCD architect Valerie Huber traveled to Guatemala for the signing ceremony and said that the declaration remains "vital to strengthening the collective voice of nations and to prevent any country from being intimidated, bullied, or isolated" for defending the family and unborn human life.¹⁰

At an event in Washington, DC commemorating the anniversary of the declaration's launch, it was announced that the Russian Federation had also signed the GCD.¹¹ Pro-life members of both houses of Congress also introduced resolutions "Celebrating the first anniversary of the coalition of signatory countries to the Geneva Consensus Declaration on Promoting Women's Health and Strengthening the Family."¹²

In stark contrast to the initial backlash to the declaration within the media, there has been very little mainstream coverage of either the new signatories or the Congressional resolutions, suggesting an attitude among members of the largely pro-abortion media establishment that if they don't mention the GCD, it will become irrelevant. However, the international pro-life and pro-family movement, with Huber prominently involved, is determined to ensure the declaration remains a vital force in the ongoing international debate.

The Importance of Geneva

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Despite the word “Geneva” appearing in the title of the declaration, COVID-19 prevented signatories from meeting there. But the importance of Geneva remains because it is the site of the headquarters of both the World Health Organization (WHO) and the UN’s human rights bodies, including the Human Rights Council and the Office of the High Commissioner for Human Rights (OHCHR) and its associated procedures and committees.

The argument for an international right to abortion rests heavily on the writings of independent human rights experts working under the umbrella of the OHCHR, located in Geneva. After failing to get an international right to abortion at Cairo and Beijing in the mid-1990s, several UN officials met and devised a new strategy to advance abortion as a human right through treaty bodies and special rapporteurs.¹³

When a country ratifies a multilateral human rights treaty, the text of the treaty itself is binding, and the country agrees to submit periodic reports to an expert committee that reviews its compliance with the treaty. The committee, or treaty body, then issues “concluding observations” containing recommendations to the country to better fulfill its obligations under the terms of the treaty. Importantly, these observations and recommendations are not binding, and while the treaty bodies often refer to their deliberations as “jurisprudence,” they lack the legal weight or enforcement mechanisms of an actual legal system, in which the term is more commonly used.

Since the 1990s, the UN’s human rights treaty bodies have become increasingly bold in demanding that countries decriminalize abortion, legalize it in more situations and remove barriers to accessing it, including by eliminating parental or spousal notification, restricting the conscience rights of health care providers, and including funding for abortion in national health plans. Not one of the nine core UN human rights treaties includes any mention of abortion, nor would such a right have been considered acceptable by those who negotiated the text of the treaties. Even in nonbinding resolutions, UN member states have never agreed to a human right to abortion. However, the experts and expert bodies operating under the OHCHR are remarkably free from accountability to member states, and the relative silence on abortion in the General Assembly is countered by an ever-increasing din among the UN’s bureaucratic entities, agencies, and experts, who frequently refer back to the work of the treaty bodies and then cite themselves and each other in implying a right to abortion exists.

The WHO is of particular importance in the debate over abortion in that it is a respected source of health standards throughout the world. However, it has aligned its policies far more with its neighbors in Geneva than with the General Assembly in New York: where the General Assembly has consistently rejected the phrase “sexual and reproductive health and rights” in resolutions, in part because it is asserted to include a right to abortion,¹⁴ the WHO bought the rights to the domain “srhr.org” and uses it to house a database of instances where treaty bodies pressured countries to change their abortion laws.¹⁵

The WHO has used its technical and policy guidance to expand access to abortion to the fullest extent possible within national laws, as well as to ensure its availability outside the legal limits by insisting that abortion drugs be included in essential medicines lists and providing instructions for self-induced abortions under the heading of “self-care.”¹⁶

The consensus at the General Assembly remains the same: abortion is not a human right, and its legal status is for nations to determine. However, the UN’s health and human rights arms appear to be no longer tethered to any global consensus, and are instead propping each other up in an effort to make abortion both a human right and a practical reality. For those who would violate national laws, the OHCHR and its experts provide a sort of moral cover while the WHO provides medical cover, enabling purveyors of illicit abortion drugs to claim to operate according to WHO recommendations.¹⁷

Another area in which the UN’s bureaucratic entities have come unmoored from global consensus is with regard to the family. In 2016, the OHCHR published a report on the protection of the family, stating “[t]here is no definition of the family under international human rights law.”¹⁸ The report downplayed the significance of the UDHR’s definition of the family as the “natural and fundamental group unit of society,”¹⁹ while noting that several countries have expanded the legal definition of marriage to include same-sex couples.

When UN agencies and experts are so emboldened to act according to their own priorities, irrespective of international consensus, it is not enough for countries to assume that their silence on controversial social issues is sufficient, or that the absence of a mandate will matter to entities already well accustomed to exceeding their mandates. The GCD is an effort by a like-minded group of countries to break the silence and draw a clear line in the sand.

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The Importance of Consensus

Having discussed the relevance of “Geneva,” attention must next be paid to the word “consensus” in the title of the declaration. The GCD is, first and foremost, a statement of consensus among its signatories that they affirm the statements it contains. However, it is also a reminder of a much broader consensus that already existed among a much wider group of countries—the entire global community, in fact. Every single footnote in the GCD refers to UN documents that were duly negotiated and adopted by consensus, meaning that no objections were raised to their adoption, nor was there a call for a vote. To the extent that a document may not have been exactly to the liking of a given country’s representatives, it was at least acceptable by all as written. This cannot be said of the WHO’s technical and policy guidance documents on abortion, or of the output of the OHCHR’s human rights experts and treaty bodies.

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The idea of consensus conferring legitimacy is a longstanding principle at the UN, but it has come under threat in recent years.²⁰ Negotiations over resolutions are often protracted and gridlocked, and sometimes unsuccessful in delivering an outcome, and the sticking points are often social issues like abortion and language about sexual orientation and gender identity. The recent twenty-fifth anniversaries of the Cairo and Beijing conferences were marked not by review conferences with negotiated outcomes, but by events tightly curated by the UN Population Fund and UN Women respectively, in which countries and other stakeholders were invited to make pledges. In this way, pro-life and pro-family voices from civil society could be effectively sidelined and more conservative governments had no opportunity to exercise their veto power against the increasingly activist tendencies of the UN’s agencies and bureaucrats.

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Documents adopted by consensus are noteworthy both in terms of what they contain and what they omit. To understand the significance of their omissions, it is necessary to know the history of the negotiation: what was proposed, what were the arguments for and against, and how large were the relevant factions? With regard to abortion, it is essential to understand the fact that the ICPD represented a compromise. The absence of a human right to abortion was, and remains, a victory for the global pro-life movement. However, the way this is framed in the ICPD’s programme of action is as a defense of national sovereignty, not of unborn human lives.

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Perhaps the most surprising thing about the Geneva Consensus Declaration is how conservative it is: not that it proposes a radical politically conservative agenda, but in the sense that it seeks to conserve a status quo that should arguably be uncontroversial. The GCD might be considered as a defense of consensus itself, which makes the vitriol leveled against it all the more troubling. As opposed to advancing the case that abortion *should* be illegal and inaccessible in every country because all human beings have an intrinsic right to life from conception to natural death, the GCD argues that it should be up to individual nations to decide whether and when unborn lives can be legally cut short. The GCD commits to securing “access to health and development gains for women, including sexual and reproductive health [...] without including abortion.” The explicit exclusion of abortion makes the signatories’ position clear: access to abortion is not a precondition for women’s health. Nevertheless, the use of the phrase “sexual and reproductive health” is in some ways a compromise in itself, given the inextricable links between the terms “reproductive health” and “reproductive rights” and the movement to create a right to abortion.²¹

Similarly, well short of stridently denouncing homosexual behavior or same-sex unions, the GCD offers a reminder from a seminal human rights document that the family as an institution is natural and fundamental and deserving of protection and support. There are other statements and pronouncements that advance a more aspirational position, such as the San Jose Articles²² and the Family Articles,²³ both of which are initiatives led by members of civil society. These collections of articles offer defenses of unborn human life and the family, respectively, also with extensive citations to both UN documents and other scholarly sources, including scientific studies. These and other civil society projects are crucial for establishing common ground between partners and providing clear positions for advocacy. As a collaboration of sovereign nations, the GCD has an elevated prominence and legitimacy, but with regard to its content, it sets a necessary floor from which to negotiate, not a ceiling.

The Politics of the Declaration

To understand the significance of the GCD and consider what its future might be, it is useful to reflect on the response it has received, both initially and over time. The *Washington Post* article announcing the GCD contained the following characterization:

The Geneva Consensus formalizes a coalition united in opposition to the United Nations’ Universal Declaration

of Human Rights, which forms the basis for the characterization of abortion and same-sex marriage as human rights under international law — a position that key U.S. allies, such as Britain and France, support.²⁴

This characterization is not only incorrect, but nonsensical. The UDHR’s relationship to the characterization of abortion and same-sex unions as “rights” is limited to the fact that the UDHR laid the groundwork for the UN human rights treaties that were later individually negotiated, only to have their meanings distorted by their respective treaty bodies with regard to those issues. In the same article, the author writes that the GCD’s “language affirming the family as “the natural and fundamental group unit of society” has clear meaning for countries that restrict LGBT rights.”²⁵ Ironically, that language was quoted directly from the UDHR, and clearly footnoted accordingly. On the one hand, efforts to “read between the lines” of the UDHR are celebrated as establishing new rights. On the other hand, the clear text of the UDHR itself is denounced as sending a dangerously affirming message to alleged bigots.

Some newspapers, such as *The Guardian*, focused on negatively characterizing the human rights records of the GCD signatories, implying a necessary convergence between pro-life and pro-family laws and authoritarian or repressive styles of government.²⁶ Others relied on their own lengthy histories of characterizing the Trump administration as hostile to women’s rights, by virtue of being pro-life, to frame the GCD as one more example to prove that assertion.

Inconveniently for *Ms. Magazine*, the concluding observations of treaty bodies are also not legally binding, and are incapable of creating the alleged “right” to abortion suspiciously absent in the text of the treaties themselves.

With regard to the substance of the GCD, *Ms. Magazine* published an editorial arguing that its central premise is wrong: “There very much is an international right to abortion.”²⁷ The editorial bases this conclusion solely on the output of treaty bodies (which it bizarrely characterizes as “laws.”) While the editorial correctly states that the U.S. has a legal obligation to adhere to the human rights treaties it has ratified, it gestures dismissively toward the GCD by stating, “The good news, at least, is the declaration is not legally binding.” Inconveniently for *Ms. Magazine*, the concluding observations of treaty bodies are also not legally binding, and are incapable of creating the alleged “right” to abortion suspiciously absent in the text of the treaties themselves.

Given the relatively measured language of the GCD, the reaction by the mainstream media was hyperbolic, but unsurprising. Media attention quickly transferred to the declaration of Biden as the winner of the 2020 election, and his pledge to remove the U.S. from the GCD almost immediately

following his inauguration. Yet one month before Biden took office, Trump’s UN ambassador Kelly Craft submitted the GCD to the General Assembly, urging the UN Secretary-General to share it widely and “inviting all Member States to sign the declaration.”²⁸ Craft’s letter, with the GCD attached, was subsequently circulated as an official UN document.²⁹ This is a common procedure whereby countries who have entered into a multilateral agreement negotiated outside of the UN context make their positions officially known to other UN member states.

In light of the transfer of power in the U.S. to an administration unwilling to uphold the principles outlined in the GCD, its submission to the General Assembly could be seen as symbolic of the fact that the initiative cannot rely solely on the leadership of any one country, even one as geopolitically influential as the U.S. In an editorial for *The Hill*, Huber reflected on the U.S.’s history of “ideological colonization” under the previous Obama and Clinton administrations, and her own meetings with foreign officials as a representative of the Trump administration. She wrote about “on a number of occasions having to apologize” for the heavy-handed efforts of prior U.S. officials to convince countries to abandon their traditional values as a condition for receiving much-needed assistance.³⁰

What happens next will be the test of whether the Trump administration was able to successfully pass the baton of leadership on the GCD to a coalition of governments willing to take a stand for life and the family on the international stage.

While there was little media coverage of the recent addition of Guatemala and the Russian Federation to the GCD’s signatories outside of pro-life publications, there are indications that this is a tactical choice rather than a widespread belief that the GCD is essentially irrelevant. In May 2021, *OpenDemocracy’s* Claire Provost wrote, “While some expected [the GCD] to die after Trump left office, it has not – and continues to be a global organising tool for conservative states and movements.”³¹

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Conclusions: the Future of the GCD

The existence of the GCD is a noteworthy accomplishment for the international pro-life and pro-family movement. The fact that the group of its signatories has not only weathered the withdrawal of the U.S. without further defections, but succeeded in attracting two new members in its first year, is likewise a promising sign.

One priority must be to convince more countries to sign the GCD. As Huber points out in her *Hill* editorial, “there are

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far more than 34 countries that share the values contained therein.”³² As in any UN negotiation, there is strength in numbers, and signing a document that already has more than thirty signatories requires less courage than being one of its initial sponsors. Again, it must be stressed that this declaration is an affirmation of consensus itself, a defense of national sovereignty, and a reiteration of several documents adopted by consensus within the UN system, not a radical political statement.

The GCD can also be an important tool for coalition-building, both between its current signatories and those who have not yet signed but are similarly aligned on social issues. Mentioning the GCD in statements delivered at UN meetings sends a powerful message, and emboldens like-minded delegates to follow suit. In difficult and protracted negotiations, the ability to find solidarity with delegates from fellow GCD-signatory countries may help to ensure pro-life and pro-family language remains in a document.

It will also be necessary for pro-life and pro-family advocates in their respective countries to urge their governments to sign the GCD, if they have not already, and to maintain their commitment to promote the principles it contains. Even in countries with relatively conservative governments and robust pro-life and pro-family laws, organizations promoting “sexual and reproductive health and rights,” often backed by European funding, are organizing to lobby their governments to withdraw from the GCD, as in the case of Kenya, which has been thus far unsuccessful. The success of the GCD relies heavily on its signatories' refusal to back down in the face of well-funded internal pressure and “ideological colonization” imposed by wealthy donor countries.

The GCD is a remarkable achievement and has the potential to be both a lasting legacy of the Trump administration in the U.S. and a rallying point for developing countries weary of being forced to choose between lifesaving aid for their citizens and the family values that shape their identity and give them purpose. It also represents a much-needed rebuke to international human rights bodies that have long exceeded their mandates with impunity. The declaration may not have been launched in Geneva as planned due the pandemic, but it is in Geneva where its impact must ultimately be strongest.

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