

### Summary

Attacks on the human rights of lesbian, gay and bisexual (LGB) people are often integral to fundamentalist movements. It is possible to identify particular warning signs of emerging fundamentalisms by examining trends in the treatment of LGB people. Homophobia and heterosexism can also be prevalent within non-fundamentalist forces, which puts LGB people in a very vulnerable position. Further inclusion of LGB issues by mainstream and women's human rights organisations is therefore needed.

### Introduction

Despite increased visibility, enhanced legal protection and greater societal acceptance in some countries, lesbian, gay and bisexual people are still being attacked, everywhere in the world and by all types of individuals and groups. Attacks may be physical, emotional, verbal or legal. They consist of discrimination, intimidation, social exclusion, prosecution, or any other form of persecution and oppression. The question central to this paper is whether and how these attacks can be identified as warning signs of fundamentalism.

Fundamentalism has been more or less broadly defined by WLUML as 'the use of religion (and often, ethnicity and culture as well) to gain and mobilise political power'.<sup>1</sup> In this paper I firstly give some examples of attacks against LGB people and identify how these fall within the realm of 'fundamentalism' as defined above. Secondly, I list some of the common methods and strategies used by 'fundamentalists' in their attacks against LGB people so that they may be recognised as 'warning signs'. Thirdly, I argue that these attacks are a constant reminder of the fundamentally heterosexist and patriarchal structure pervading most religions, cultures and societies. I will discuss the vulnerable position this puts LGB people in, and argue that mainstream and women's human rights organisations need to include LGB people explicitly in their agendas.

### Attacks against LGB people as a form of 'fundamentalism'

Amnesty International reports that 'lesbians, gay men and bisexual and transgender people all over the world suffer persecution and violence simply for being who they are'.<sup>2</sup> They are tortured, raped, imprisoned, subjected to forced medical treatment, denied the right to form sexual or familial relationships with their partners, denied access to, or legal bonds with, their children, harassed, discriminated against and ostracised, at school, at work, in places of worship and by their own family.<sup>3</sup>

In some countries, for example Afghanistan, Iran, Pakistan and Saudi Arabia, homosexual relations are officially punishable by execution or by flogging, depending on the circumstances of the case. In others, such as several states in the USA, Morocco, Uganda, Zimbabwe, Turkey, Jamaica and many more, homosexuality or same-sex sexual relations are punishable by prison sentences, fines and/or hard labour.<sup>4</sup> Countries that do not have explicit laws prohibiting homosexuality may still prosecute LGB people under laws prohibiting activities such as 'hooliganism' or behaviour 'against public morality', for example in Egypt and China. Whether these laws are used for prosecutions usually depends on the political climate of the moment.

Public executions or punishments of LGB people, and public statements of politicians, may occasionally catch the headlines, but they do not tell the story of the majority of LGB people, who suffer oppression in silence. It is important to remember that most of the violence, oppression and attacks are actually 'invisible'. The perpetrators may be family members, religious, ethnic or cultural communities or leaders, or simply members of the heterosexist society at large. For example, 'gay-bashing' continues to be widespread in most countries, including in supposedly liberal capital cities. 83 per cent of young gay people in London in the UK claim to have been physically or verbally attacked, and suicide rates amongst gay-identified youths are significantly higher than amongst straight-identified youths.

The aim of fundamentalism is to gain and mobilise political power through the use of religion, ethnicity, culture or nationality. The language, reasoning and methodology used by the perpetrators of attacks on LGB people clearly demonstrate the use of religious, ethnic, cultural and/or national arguments, as well as the aim of gaining or mobilising political power.

One example of ethnic, cultural and/or national fundamentalism is Zimbabwe, where President Mugabe has declared homosexuality to be 'the product of degenerate colonial cultures that contaminated the African indigenous population', and said that gay people are 'worse than dogs and pigs'. Eliminating homosexuality from Zimbabwe is considered merely another form of purging the country of white colonial influences.<sup>5</sup> As a result, the number of LGB people attacked in the community or arrested by the police has significantly increased. President Mugabe called the British Prime Minister, Tony Blair, a 'gay gangster' and blasted him for having 'homosexuals' in his cabinet after Britain and other western nations criticised the latest presidential elections and Zimbabwe's human rights record. Zimbabwean opposition groups quickly reacted to this by stating that Mugabe's own cabinet included gay men. Mugabe's response was to order a witch-hunt to 'flush out gays and lesbians' in his government, and many politicians were thrown in jail.<sup>6</sup>

Another example of cultural fundamentalism is the raid by Indian police in July 2001 on the offices of two organisations working on HIV/AIDS prevention. Members were charged under several articles of the Penal Code, including article 377, which prohibits 'unnatural offences against the order of nature'. There were credible reports that those arrested were ill-treated and beaten in detention. One of the senior police officers involved in this case stated publicly that he would like to 'eradicate homosexuality, which is against Indian culture'.<sup>7</sup>

The interaction between religion, political power and attacks on LGB people is evident from the strong opposition by religious groups and movements in various countries to decriminalisation of homosexuality and the introduction of equality legislation to protect LGB people. For example, the religious lobby in the UK mobilised strongly against the recent withdrawal of Section 28 of the Local Government Act 1988, which refers to homosexuality as 'a pretended family relationship'. The introduction of this legislation, and the accompanying crackdown on homosexuality in the UK in the late 1980s and early 1990s, led to a significant rise in violence against LGB people in the UK, making British police and schools 'probably the most homophobic institutions in the country'.<sup>8</sup>

Another example is the situation in South Africa, where the constitution now guarantees equality for LGB people. However, the South African government and LGB rights groups are afraid to push for implementation of these rights for fear public opinion and the religious lobby might work against them and cause a backlash. Already the African Christian Democratic party seeks to remove the sexual orientation clause from the constitution.<sup>9</sup> Revival of religious consciousness also led to the *renewed* criminalisation of homosexuality by the Nicaraguan president following a visit by Pope John Paul II in 1992.

In 1993, President Fujimori of Peru dismissed 117 foreign diplomats, including ambassadors, because they were 'homosexual' or engaged in 'doubtful sexual practices'. Most of them were neither gay nor lesbian, but were seen as potential threats to the president's rule. In this case, the fight against homosexual 'immorality' was not explicitly linked to one particular religious, cultural or ethnic fundamentalist movement; rather it was generally considered to be an 'affirmation of Peruvian morality'. In 1996 again, a crackdown on LGB people occurred in Peru, and over 600 individuals were detained in a series of raids on gay bars and clubs. Those who approached the police to ask why they were being detained were beaten with clubs. The detained were shoved, insulted, and subjected to demands for bribes. Since then, raids on lesbian and gay bars have continued to occur periodically in Lima.

LGB people often get caught in the middle between so-called 'fundamentalist' opposition movements and supposedly 'non-fundamentalist' governments. LGB people, as well as women in general, are easy targets for governments to assert their morality and commitment to religion, culture and ethnicity in reaction to accusations of being 'traitors', 'westernised' or 'unbelievers' by opposition groups. In these situations, crackdowns in the form of arrests, punishments and executions of LGB people are widely advertised by the perpetrators.

For example, one explanation for the sudden 'morality' crackdown by the Egyptian authorities - after years of quietly tolerating homosexuality - is that the authorities seek to discredit the allegations by Islamist forces and conservatives that the ruling Egyptian government is 'westernised', immoral, and unfit to rule over its Muslim population. The Egyptian authorities launched a major crackdown on gay men, starting with a raid on a disco-boat in May 2001, where 52 men were arrested and subsequently tried. In November 2001, 23 men were given prison terms by an emergency state security court for 'habitual debauchery' (Section 10 of the 1961 Law on the Combat of Prostitution) and/or 'contempt of religion'. However, following international protests, in May 2002 President Mubarak ordered a retrial for 50 of the 52 men, because the case did not fall under the jurisdiction of the emergency court and should have been tried by a regular court. The men were released, and the subsequent retrials were opened and adjourned several times. Since then, LGB people, particularly gay and bisexual men, continue to be specifically targeted by Egyptian police, including via entrapment. Many more men have been harassed, arrested and prosecuted. Several of the accused allege that they were subjected to torture and ill-treatment in pre-trial detention. In addition, the names, photos and addresses of many are made known publicly, causing them and their families severe harassment and humiliation.<sup>10</sup>

Attacks against LGB people may also take the form of targeting anyone who facilitates the political expression of an LGB identity or asserts the rights of LGB people. For example, in April 2000, two employees of a Lebanese company that manages the internet provider hosting the gay website *www.gaylebanon.com* were arrested and questioned by police about the owners of the website. In reaction to protests made by the human rights organisation MIRSAD, a human rights activist was arrested as well. Both the director of MIRSAD and the director of the internet provider were convicted of 'defamation' under the Military Penal Code for publicising the facts of this case nationally and internationally. Lebanon is generally known as one of the most 'gay-friendly' states in the Middle East, but due to the increased visibility of LBT (lesbian, bisexual and transgender) people, arrests and convictions for homosexuality have lately increased.

The link between attacks on LGB people and mobilising political power is evident from the tactics of politicians who seek to discredit their opponents by 'accusing' them of homosexuality while boasting about their own 'heterosexual family life'. For example, the prosecution of the politician Anwar Ibrahim in Malaysia for (alleged) homosexuality was clearly intended to discredit him and sideline him as a political opponent.

### Warning signs

The examples quoted in this paper are only a small selection of the many forms attacks on LGB people can take. The methods and strategies used by 'fundamentalist' forces in their violence against LGB people are diverse and multifaceted. However, the following is a preliminary categorisation of activities that can be recognised as clear 'warning signs':

- The (re-)activation or (re-)introduction of criminal laws prohibiting homosexuality in general, or elements of it, and oppression of groups campaigning for legal change.
- An increase in police arrests, state harassment and/or prosecutions of LGB people under such criminal laws or under other provisions (e.g. 'immorality' or 'contempt of religion'), and widespread publicity for such 'crackdowns'.
- Obstructing the repeal of laws that discriminate against LGB people.
- Public 'allegations' of 'homosexuality' made by politicians to discredit political opponents and other public figures, possibly followed by public prosecutions, as well as public denouncements of and insults to LGB people.
- An increase in state or community-based oppression and violence against LGB visibility and social or political organisation, for example through the prohibition of pride marches and meetings, the censorship of websites and publications, and the restriction or prohibition of teaching on homosexuality in schools.
- An increase of violence in the private sphere against LGB people, including 'gay-bashing' and bullying in schools; a lack of police and state protection against these forms of violence or even (tacit) encouragement of these forms of attack by the state.

### **Patriarchy and heterosexism**

Attacks against LGB people are usually portrayed as, or appropriated to mean, the reassertion of religious, cultural, ethnic or national 'purity'. This 'purity argument' goes to the core of fundamentalist agendas. A common element in the various forms of 'fundamentalism' is their claim to 'return to the fundamentals', or restore the essence of ethnic, religious or cultural values. This essence is seen as somehow pure and morally superior. Central to this ethnic, religious or cultural 'purity' is a sexual purity that is usually a particular form of heterosexuality. In these fundamentalist agendas, sexuality is only accepted when taking place within strictly defined rules, which include marriage, monogamy, male dominance and female submission, etc. This prescribed form of 'sexual purity' is heterosexual in nature and usually requires male control over female sexuality: the essence of patriarchy. This phenomenon - control over female sexuality - has been demonstrated by many feminists to be essentially a method of male control over women and procreation.

In August 2002, US Reverend Jerry Falwell said in an interview about the 9/11 attack on the Twin Towers:

I really believe that the pagans, and the abortionists, and the feminists, and the gays and the lesbians who are actively trying to make that an alternative lifestyle, the ACLU, People For the American Way, all of them who have tried to secularize America, I point the finger in their face and say 'You helped this happen'.<sup>11</sup>

It is no surprise that Falwell mentions abortionists, feminists, lesbians and gay men in one sentence: they are all perceived as threats to the heterosexist, patriarchal society where dominant (heterosexist) men control women, sexuality and procreation.

WLUML's definition of fundamentalism is 'the use of religion (and often ethnicity and culture as well) to gain and mobilise political power'.<sup>12</sup> The particular interpretation of religion, ethnicity or culture that is being used for this mobilisation of power is usually one that asserts patriarchy and heterosexism. Patriarchy and heterosexism can be methods of fundamentalist control and state control. But they can also be tools to maintain, gain and mobilise political power, for so-called fundamentalists and mainstream political movements alike.

Attacks on LGB people therefore go to the core of a patriarchal and heterosexist agenda - whether strictly defined as fundamentalist or not. The continuous assertion of the moral superiority and normality of a particular form of heterosexuality throughout society is in essence a confirmation of patriarchy and a method to 'preserve and reinforce the social meaning of gender'.<sup>13</sup>

This is why it is extremely important to realise that the perpetuation of LGB invisibility is, *in itself*, a form of attack. Pointing to visible and often 'fundamentalist' attacks on LGB people is obviously much needed. However, it should not be forgotten that underlying the

visible attacks, a much more pervasive, less visible attack takes place - the oppression of LGB people, their invisibility, and the constant affirmation of heterosexism by states and communities at large.

The marginalisation of, disregard for and even condemnation of LGB people's rights in the mainstream human rights movement (and of lesbian and bisexual women's rights in the women's rights movement) are extremely worrying. It can be difficult and dangerous for LGB people to stand up for their rights on their own. When politicians, human rights groups or individuals do not stand up against these attacks because of their own heterosexism, internalised patriarchy or for fear of 'jeopardising' their own agendas, they become complicit in 'fundamentalist' attacks against LGB people. This is not to say that care shouldn't be exercised by activists to achieve the best results while ensuring their own safety. However, caution should not become an excuse not to take *any* initiative. Recognition of LGB people within mainstream human rights and women's movements would be an excellent way to start combating the invisibility of LGB people and stop patriarchy and heterosexism seeping into these structures.

### Conclusion

Attacks on LGB people can and should be recognised as warnings of fundamentalism. Specific attacks can be recognised in: the introduction or increased use of criminal and discriminatory laws against LGB people; public 'allegations' of homosexuality made by politicians to discredit political opponents; and increases in state or community-based oppression and violence against LGB people.

There is a close interrelationship between politics, religion, ethnicity, culture and the control of sexuality. A fundamentally heterosexist and patriarchal structure, seeking to control both men and women in society through control of sexuality and assertion of rigid gender roles, pervades all religions, cultures and societies.

Homophobia and heterosexism are core aspects of patriarchy, and they are used by fundamentalist and non-fundamentalist forces alike to gain political power. This puts LGB people in a very vulnerable position: they often find themselves sidelined by the state, as well as by their communities and mainstream human rights and women's movements, at the very moment that they face a backlash from fundamentalists for having tried to break out of their invisibility.

Therefore, apart for the warning signs mentioned above, I would argue that the most worrying 'warning sign' is the unwillingness to take on LGB issues by the forces that should do so: states, human rights groups and women's rights movements. It is extremely worrying when those who claim to pursue human rights *for all* and those who seek to break down patriarchy are unwilling to include LGB people explicitly. As long as LGB people are specifically and explicitly attacked for who they are, they will also need to be explicitly defended, both inside

and outside the mainstream human rights and women's rights movements. When these movements perpetuate LGB people's invisibility, either actively or through complacency, they perpetuate patriarchy, heterosexism and ultimately homophobic attacks.

### Endnotes

<sup>1</sup> WLUML (2002) 'The continuing rise of fundamentalism in Muslim contexts'.

<sup>2</sup> Amnesty International (2001) 'Crimes of hate, conspiracy of silence', [www.amnesty.org.uk](http://www.amnesty.org.uk).

<sup>3</sup> See e.g. Amnesty International (2001) 'Crimes of hate, conspiracy of silence'; Human Rights Watch (2002) 'Lesbian, Gay, Bisexual and Transgender Rights', *2002 World Report*, [www.hrw.org](http://www.hrw.org); Human Rights Watch (2001) 'Hatred in the Hallways – Violence and Discrimination against Lesbian, Gay, Bisexual and Transgender Students in U.S. Schools', [www.hrw.org](http://www.hrw.org).

<sup>4</sup> Source: [www.ilga.org](http://www.ilga.org).

<sup>5</sup> M. Hilson (1996) 'Homophobia and Postcolonialism', [www.emory.edu](http://www.emory.edu).

<sup>6</sup> *Zimbabwe Standard* (2 July 2002) 'Mugabe to root out gays', [www.africaonline.com](http://www.africaonline.com).

<sup>7</sup> *The Gully* (12 April 2002) 'India condemned for anti-gay abuses', [www.thegully.com](http://www.thegully.com).

<sup>8</sup> *The Observer* (27 October 2002) 'A date with hate', [www.observer.co.uk](http://www.observer.co.uk).

<sup>9</sup> *The Guardian* (31 October 2002) 'I love a man in uniform', [www.guardian.co.uk](http://www.guardian.co.uk).

<sup>10</sup> See e.g. Datalounge (2003) 'New arrests against gay Egyptians', [www.datalounge.com](http://www.datalounge.com); Human Rights Watch (7 October 2003) 'Egypt: Crackdown on homosexual men continues', <http://hrw.org/press/2003/10/egypt100703.htm>.

<sup>11</sup> CNN.com (14 September 2002) 'Falwell apologizes to gays, feminists, lesbians', [www.cnn.com](http://www.cnn.com).

<sup>12</sup> WLUML (1999) 'Dhaka Plan of Action'.

<sup>13</sup> See, for example, Sylvia A. Law (1988) 'Homosexuality and the social meaning of gender', in *Wisconsin Law Review*, pp. 187-235.