



Anatomy of a Backlash: Sexuality and the “Cultural” War on Human Rights

By Scott Long¹

What is at issue in cultural terms is a conflict of interest between the whole body, which is the Zimbabwean community, and part of that body represented by individuals or groups of individuals. The whole body is more important than any single dispensable part. When your finger starts festering and becomes a danger to the body, you cut it off—the homosexuals are the festering finger.

-Statement in a parliamentary debate in Zimbabwe, 1995²

A tale of one city: Cairo, in 1994, hosted the U.N. World Conference on Population and Development. The meeting marked a major advance in recognizing women’s sexual autonomy. Its final declaration linked sexuality, health, and human rights, affirming that reproductive health “implies that people are able to have a satisfying and safe sex life”—in effect, that control over the enjoyment of one’s own sexuality was essential to the well-being of both women and men.

Much the same affirmation was made the next year, at the U.N. World Conference on Women in Beijing. The impact on local activists was considerable. The Cairo conference, for instance, gave strength to campaigns against female genital mutilation—in Egypt and elsewhere. But other, more sinister notes were struck. The Kenyan press, for instance, paid leering attention to lesbian activists marching at the Beijing meeting, leading then

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² Quoted in Human Rights Watch and the International Gay and Lesbian Human Rights Commission, *More than a Name: State-Sponsored Homophobia and its Consequences in Southern Africa*, 2003, p. 16.

President Moi to declare: “The government rejects the immoral culture of homosexuality and lesbianism raised during the ... women’s conference.”³

Switch to Cairo seven years later. Police seized dozens of men in raids on cruising areas and a discotheque where men who have sex with men were believed to gather. The press accused them of staging a “homosexual wedding” service. Prosecutors charged them with “debauchery,” the language for sex between men in Egyptian law, and alleged they belonged to a blasphemous, “Satanist” cult assaulting culture and religion. Their sensational trial inaugurated a massive, national crackdown on homosexual conduct, in which hundreds of men have been seized and tortured—as well as a moral panic about sexual “deviance” escaping state control. Local human rights groups that tried to intervene have been smeared as agents of perversion.⁴

A spectre is stalking the arenas where human rights activists work. Its avatars range from politicians in Zimbabwe to policymakers in the United States. It might be called an alliance of fundamentalisms, though not all its agents embrace the term. The forces in question define themselves most often by what they claim to defend—and that shifts from time to time and territory to territory: “culture,” “tradition,” “values,” or “religion.” What they share is a common target: sexual rights and sexual freedoms. These are most often represented by women’s reproductive rights, the assault on which continues. The most vividly drawn and violently reviled enemy typically is homosexuality. “Gay and lesbian rights,” the dignity of people with different desires, the basic principle of non-discrimination based on sexual orientation: all these are painted as incompatible with fundamental values, even with humanity itself.

The target is chosen with passion, but also precision and care. Movements for the rights of lesbian, gay, bisexual, or transgender people, along with movements that assert sexual rights more generally, are arguably the most vulnerable edge of the human rights movement. In country after country they are easy to defame and discredit. But the attack on them also opens space for attacking human rights principles themselves—as not universal but “foreign,” as not protectors of diversity but threats to sovereignty, and as carriers of cultural perversion.

In many countries, forces opposed to universal rights standards have found their strongest stance is to declare themselves defenders of “authentic” (though often

³ “Moi says no to ‘unAfrican sins,’” *The Nation* (Kenya), September 24, 1995.

⁴ See Human Rights Watch, *In a Time of Torture: The Assault on Justice in Egypt’s Crackdown on Homosexual Conduct*, 2004.

invented) cultural tradition.⁵ “Culture talk” increasingly opposes itself to “rights talk.” Rights are treated as invaders. Sexuality has turned into a key battleground in the conflict. The “cultural” argument against sexual rights sees itself as striking the exposed flank of rights protections. The onslaught also has devastating effects on public health—as essential measures to prevent HIV/AIDS are scrapped in the name of “morals,” and as vulnerable people are driven into the shadows.

Fundamentalism not only pits “culture” against rights, it paints a somber picture of society in which sexuality—and, implicitly, a range of other human experiences—demands continual and restrictive state scrutiny and control. Against this bleak and onerous vision, rights activists must reassert basic principles of personal freedom; but they must also affirm that human beings require the autonomous enjoyment of their sexualities to lead satisfying, fulfilled, fully human lives.

The standard articulated in the preceding essay in this volume—that rights groups must oppose efforts to legislate morality where the only “offense” is in the mind of the person who feels someone else believes or behaves “immorally”—applies not only when the motive is religious but more generally, whether campaigns to restrict rights are carried out in the name of faith, tradition, culture, or collective values. At the same time, rights activists must see defending sexual rights not as a distraction from their traditional preoccupations, but as a necessary and logical development. Human rights are the possessions of embodied human beings, whose dignity is bound up with the capacity to inhabit and experience their bodies as their own. Everyone deserves the free enjoyment of their sexuality. No one who does not hurt other people should be a prisoner of others’ consciences.

Movements and Moral Panics

The last fifteen years have seen great growth worldwide in the visibility of people gathering, organizing, and campaigning around sexuality—and around sexual rights, sexual orientation, and gender identity. There are many causes. One lies simply in the spread of democratic governments in the 1980s and 1990s. As dictatorial regimes receded—in Latin America, in Eastern Europe, in Africa—and civil society asserted itself, activists for sexual rights and sexual orientation also claimed freedom to join that self-assertion. Models for organizing thus proliferated as well. Emerging groups across Africa that identify as lesbian, gay, or transgender may look to, and learn from, the work

⁵ See Mahmood Mamdani, ed., *Beyond Rights Talk and Culture Talk: Comparative essays on the Politics of Rights and Culture* (Palgrave, 2000); see also, for a study of how “traditions” are manufactured to suit political and social agendas, E. B. Hobsbawm and Terence Ranger, eds., *The Invention of Tradition* (Cambridge, 1992).

courageous people have performed in achieving equal protection in South Africa (where many activists in turn got their education in the anti-apartheid movement) or answering a dictator's vilification in Zimbabwe.

Meanwhile, movements around women's health issues—whether female-genital mutilation or access to reproductive health services—increasingly approached their work through a rights-based framework. Women's sexuality, when viewed through the prism of human rights, could be seen as an empowering capacity, not a source of vulnerability (as movements opposing violence against women had long tended to portray it)—as something to be prized and defended.⁶

HIV/AIDS put sexuality squarely in the center of health policy debates; and HIV/AIDS activists also pushed public health discourse to open up to rights-based approaches. This soldered links between “sexual minorities” and the languages of rights. Indeed, the struggle against the epidemic has given many groups previously marginalized to the point of invisibility a new importance in human rights discussions, including drug users, prisoners, sex workers, and migrant workers.

The emergence of new or once-hidden identities in political life and in human rights discourse has prompted part of the backlash. “Lesbian,” “gay,” “sexual orientation,” “gender identity”—these concepts have been employed by activists in diverse places to explain who they are and why their constituencies share common ground. At they same time such concepts are decried as inauthentic imports or cultural impositions. Of course, as has been widely noted, “homosexuality,” in the sense of a social self built around the gender of one's object of desire, is a construct that originated in modern industrialized societies.⁷ It is only one way of attaching cultural meanings to the phenomena,

⁶ See, for instance, Lynn P. Freedman, “Reflections on Emerging Frameworks of Health and Human Rights”; Rebecca Cook, “Gender, Health, and Human Rights”; and Alice M. Miller, AnnJanette Rosga, and Meg Satterthwaite, “Health, Human Rights, and Lesbian Existence,” all anthologized in Jonathan M. Mann, Sofia Gruskin, Michael A. Grodin, and George J. Annas, *Health and Human Rights: A Reader* (New York: Routledge, 1999).

⁷ Or, more precisely: the option of organizing a lifelong social identity around the experience of homosexual desire has historically been available only in certain cultural and class settings, modern industrial capitalism—with its loosening of the economic function of traditional family networks—being one. (The word “homosexual” itself, a hybrid of Greek and Latin roots, was only coined in 1869.) In other settings homosexual desire has been interpreted in other ways: as something to be consummated only at certain stages in the life-course, for instance. See David Halperin, *One Hundred Years of Homosexuality and Other Essays on Greek Love* (Routledge, 1990) for a fuller discussion. A number of recent movements have adopted, or adapted, more “traditional” identities as axes for organizing around sexual difference. In south Asia, for instance, older cultural identities for people who might, in a Western context, be called “transgender,” such as *hijra* or *meti*, as well as identities such as *koti* referring to men who have sex with men, carry a resonance not at all reducible to Western equivalents. Alternatively, in Zimbabwe, men within the group Gays and Lesbians of Zimbabwe have carved out their own space and sub-sub-culture, calling themselves *chengetanai* (a Shona word meaning

universally found, of homosexual *desire* and *conduct*. Yet the charge (heard sometimes from intellectuals as well as from conservative politicians) that those who translate these terms into settings other than their origin are the agents of an alien lexicography, pursuing their self-definition in foreign terms—this claim does not hold up. It neglects the creativity and capacity for *bricolage* with which humans reinterpret and adapt ideas to their own environments and needs: a constant change and interchange which is one of the basic workings of culture.

And in fact ideas as much as identities are ultimately at stake in the backlash. Advocacy around the rights of so-called “sexual minorities,” however they define themselves, neither takes place in a vacuum nor is reducible to a minority concern. This advocacy asserts a broader principle: that people should control their own sexualities; that, in the context of respect for others’ dignity and consent, everyone has the right (as the World Health Organization puts it) to “pursue a satisfying, safe, and pleasurable sex life”; and that this pursuit is not inimical to cultural and social values, but supports people’s healthy integration into culture and society.⁸ It is an assertion which lesbian, gay, bisexual, and transgender activists make together with activists for women’s rights, campaigners against censorship, and other human rights defenders. The claim to sexual freedom is the deepest threat. The extension of human rights beyond consciences to bodies is the unbearable presumption.

Sexuality is something on which every society—probably every person—imposes a portentous array of meanings. It may be the most highly symbolized of human experiences. Fundamentalists fear sexuality emerging from the cocoon of significance in which they feel traditions once contained it. Yet this apprehension of escape itself becomes a metaphor for other, larger anxieties about cultural, social, or political change. Sexuality stops being an experience and becomes an emblem.

“Gay and lesbian rights” and the promise of equality serve, to their fundamentalist opponents, as symbol rather than tangible threat. Those opponents rarely bother to examine the substance of what such equality might entail. It is the monstrous apparition of men’s and (particularly) women’s sexualities breaking the frame of traditional, authoritarian control that terrifies them, and leads them to call on the law to repress the genie back into the bottle. They are right that the liberatory impulse of human rights will not be restrained from defending freedoms in people’s intimate and physical, as well as

“taking care of each other”) or “liberated queens,” and identifying themselves much more by their dissidence from gender norms than by their sexual behavior.

⁸ See World Health Organization, “Technical Consultation on Sexual Health: Working Definitions,” at http://www.who.int/reproductive-health/gender/sexual_health.html, retrieved November 22, 2004.

political, lives. They are at their most dangerous in acting on the insight. Using sexuality as metaphor for broader processes of change, they extend their attack to the logic and essence of human rights themselves.

One feature of fundamentalist discourses is the way their different terms collapse into one another. “Culture” loses its variety and becomes indistinguishable from “morality,” and “morality” from “religion,” which in turn is defined by and often defines “tradition.” Collectively they can colonize “nationhood” until it becomes not a political entity but a rhetorical weapon. All these words will run through the examples of the backlash. In all cases, however, fundamentalisms strip these terms of ambiguity or negotiability. They become, in the fundamentalist vision, not ideas to be debated or environments in which to live, but mandates enforced by law.

Sometimes the backlash around sexuality has been overtly nationalistic. When the film *Fire*, depicting a love affair between two women, was released in India in 1998, it was met by riots and was hauled before the national Censor Board. Both violence and silencing were instigated by the right-wing government and its allies. One leader of the Hindu nationalist Shiv Sena party said lesbianism “is not in our national culture,” and wondered why the women had been given Hindu instead of Muslim names.⁹ Similar arguments have been used to support the arrest and harassment of HIV/AIDS outreach workers.¹⁰ In defending India’s law penalizing homosexual sex—a relic imported and imposed by British colonialism—the government has claimed it was needed to preserve true Indian mores and identity.

Sometimes the attacks show a mingling of religion, culture, and nationalism: as when Robert Mugabe of Zimbabwe, who has devoted a decade to steady homophobic attacks, wondered how “immoral and repulsive organizations, like those of homosexuals who offend both against the law of nature and the law of morals of religious beliefs espoused by our society, should have any advocates.”¹¹ Usually, however, they are meant to send two ominous messages: that freedom is a gift, not a given; and that if one group’s freedoms can be stripped away, so can others’. Thus Mugabe has said:

⁹ Bal Thackeray, quoted in “Protest in front of Dilip Kumar’s house justified, says Thackeray,” *Times of India*, December 14, 1998; “Hindu leader says lesbian film should be about Moslem family,” Agence France-Presse, December 14, 1998. For a full account of the *Fire* controversy, see a report by the Campaign for Lesbian Rights, India (CALERI), *Emergency Jaari Hai/Lesbian Emergence* (New Delhi, 1999).

¹⁰ See Human Rights Watch, *Epidemic of Abuse: Police Harassment of HIV/AIDS Outreach Workers in India*, 2002.

¹¹ Quoted in Human Rights Watch and the International Gay and Lesbian Human Rights Commission, *More than a Name: State-Sponsored Homophobia and its Consequences in Southern Africa*, 2003, pp. 13-14.

Freedom ... is not a selfish, one-way street. The greater the freedom one enjoys, the greater the responsibility one owes the community which bestows that freedom. ... If we accept homosexuality as a right, as is being argued by the association of sodomists and sexual perverts, what moral fibre shall our society ever have to deny organized drug addicts ... the rights they might claim and allege they possess under the rubric of individual freedom and human rights, including the freedom of the press?¹²

Mugabe meant it. His threats to lesbian, gay, bisexual, and transgender people were a prelude to crackdowns on farm workers, farmers, trade unions, opposition parties. The press freedoms whose exclusivity he claimed to prize went out the window early in the process.

Political leaders in many African countries have imitated Mugabe's rhetoric. Yet by contrast, in neighboring Namibia, where President Sam Nujoma indulged in similar attacks for years, human rights activists quickly saw the assaults as aimed at all their work and at the core values of human rights themselves. One said, "The government is making attacks on homosexuality a central part of its outlook. But it will not end with homosexuality—it is to create a culture of intolerance, a culture that will grow. Either we change this culture and become more tolerant, or it will get worse."¹³

Disentangling intolerance from "culture" led to danger. Another activist whose organization condemned Nujoma's statements related how he and his co-workers "have been attacked as traitors, as spies, and as being un-African. And we have been attacked for promoting homosexuality. ... We are not promoting homosexuality, we are promoting human rights."¹⁴ It is to their credit that human rights organizations fought back, and affirmed both that homosexuality belonged to, and that human rights principles were integral to, Namibia's diverse culture.

In Egypt, the crackdown on homosexual conduct was used to isolate and defame the country's embattled human rights organizations. Few groups intervened: those who did faced condemnation. The message was clear: that human rights had become the portal to perversion. "They're defending Egyptian perverts under the pretext of 'human rights!'"

¹² Ibid..

¹³ Ibid., p. 31, quoting Norman Tjombe, Legal Action Centre, Namibia.

¹⁴ Ibid., quoting Phil ya Nangoloh, National Society for Human Rights, Namibia.

one tabloid headline raged.¹⁵ A columnist asked of “sexual perverts,” “What moral debasement has this group arrived at? What kind of people are they, without religion, moral values, or honor...claiming human rights? What human? What rights?”¹⁶

Similarly, in Jamaica in 2004, attacks on a Human Rights Watch report linking endemic homophobic violence to the spread of HIV/AIDS turned into attacks on human rights groups in general. A writer charged that “homosexual surrogates attached” to Human Rights Watch have “ripped” into Jamaica for what it imagines is wide scale abuse here against male homosexuals. Homosexuals have always found that their viral-like attachment to key groups in civil society and other bodies where social activism is a calling card has always assisted them as a launching pad from which they can subtly foist their sexuality on a nation of people totally turned off from and sickened by the abnormal and filthy act of one man having sex with another man.”¹⁷

Others threatened mainstream Jamaican human rights activists. The Jamaica Police Federation, representing most of the country’s police officers, ominously lashed out at Human Rights Watch’s “local accomplices” for “deliberately maligning the police and the state.” Declaring that “The government and the police cannot be held responsible for either the careless liaisons by homosexuals or the cultural responses of the population towards gays,” it called on the Minister of Justice to “slap on sedition charges where necessary to both foreign and local agents of provocation.”¹⁸

Religious groups have played a significant role in the backlash—and a significant role in opposing it. Within many religious traditions, powerful voices have spoken up to defend sexual rights, along with human rights principles generally. Still, evangelical Protestant churches in Africa (many of them North American in origin) have often preached homophobia. The Catholic Church in many places has lent official weight to campaigns against equality for lesbian, gay, bisexual, and transgender people, as well as against reproductive rights.¹⁹ Yet the role of churches or mosques in whipping up fears around

¹⁵ “Special report: How could anyone believe them after this ridiculous statement? They’re defending Egyptian perverts under the pretext of ‘human rights!’” *Rose al-Youssef*, July 15, 2001.

¹⁶ Wagih Abu Zikri, columnist in *al-Akhbar*, February 17, 2002.

¹⁷ Mark Wignall, “What do these homosexual activists want?” *Jamaica Observer*, November 21, 2004.

¹⁸ Sergeant David White, public relations officer, Jamaica Police Federation, “Charge those groups for sedition,” *Jamaica Observer*, November 25, 2004.

¹⁹ In some countries the Orthodox Church has campaigned particularly militantly against sexual rights. In Romania, the church engaged throughout the 1990s in a long, ultimately unsuccessful struggle to prevent the repeal of that country’s brutal, Ceausescu-era sodomy law. (See Human Rights Watch and the International Gay and Lesbian Human Rights Commission, *Public Scandals: Sexual Orientation and Criminal Law in Romania*, 1998.) Political calculation underlay the intensity of the fight. The church was discredited among many Romanians by its tacit support of Ceausescu, and was searching for an issue to regain clout and

sexuality should not be overstated. In most places the backlash's leadership remains lay. In many countries the roles of non-governmental organizations (NGOs) that identify themselves as defending religious values, without being tied to a particular institution or denomination, have been more powerful, and their rhetoric more ferocious, than most religious figures.

This is nowhere more true than in the United States. Controversies over lesbian, gay, bisexual, and transgender people's claim to equality have burgeoned since 2003. That year, the Supreme Court struck down the country's remaining "sodomy laws." Social conservatives saw this as a blow to their own authority, and as the loss of one of the basic ways in which governments declared their "disapproval" of homosexuality—a disapproval manifested in a jail cell. Later that year, courts in the state of Massachusetts ordered that the full rights of marriage be extended to same-sex partners. At least in one jurisdiction, it seemed, equality was at hand.²⁰

Individual states have wide latitude in the U.S. to set their own marriage policies; however, the federal government has intervened in the name of overarching principles—most notably when the Supreme Court struck down laws against interracial marriages as fundamentally discriminatory. Social conservatives therefore took a two-pronged strategy. They have pressed, with great success, for states to amend their own constitutions to ban equality in civil marriage. Eleven such initiatives came on the ballot in 2004; eleven states passed them, often by enormous margins. Some of these amendments ruled out legal recognition of same-sex relationships in *any* form, such as civil unions. Their sweeping wording could conceivably bar companies from granting domestic-partner rights to same-sex employees, or actively prohibit a lesbian from visiting her partner in the hospital. The zero-sum meanness of such provisions reveals the underlying mindset, that certain relationships can be "protected" only by taking a legal bulldozer to others. The motive is not "defending marriage," but fear: fear of difference, of the other. The only union they defend is the shotgun coupling imposed between government and religious compulsion.

credibility; opposition to reproductive rights—an immensely productive wedge issue for religious conservatives in other countries—was closed to it, however, by the acute unpopularity of Ceausescu's pro-natalist, anti-abortion and anti-birth-control policies. The campaign had international repercussions. In 1998, Orthodox churches threatened to pull out of the World Council of Churches in outrage at the possibility of discussions of sexual orientation at its Eighth General Assembly (held in Harare, Zimbabwe).

²⁰ See "Non-Discrimination in Civil Marriage: Perspectives from International Human Rights Law and Practice," a Human Rights Watch briefing paper, at <http://hrw.org/backgrounder/lgbt/civil-marriage.htm>.

The second strategy was to go national. President Bush has urged passage of a amendment to the U.S. constitution which would bar equality in civil marriage. It would be the first constitutional change in American history not to affirm a basic right but to ban a specific group from enjoying it. Legislative proposals to achieve the same effect nationwide are multiplying as well.

In the United States as in other countries, panics over sexual nonconformity have often been connected to political repression. Consider how, in South Africa, the legal prohibition on interracial sex became a foundation of the apartheid regime; consider too how, during the McCarthyite period in the United States in the 1950s, the search for invisible and insidious communists was paralleled by campaigns to root down and crack down on homosexuals, in local communities and in government itself. The strong desire of some social conservatives to expand state control over personal life, while eviscerating the state's secular character, was suggested by the influential conservative leader Bob Jones in greeting the 2004 election returns. Warning that "liberals ... despise your Christ," he urged the victorious president to "exercise forceful leadership ... in passing legislation that is defined by biblical norm regarding the family, sexuality, sanctity of life, religious freedom, freedom of speech, and"—it is not clear how compatible this is with the rest of the list—"limited government."²¹

But the blend of social conservatism and sexual fear in U.S. policy is up for export, where its effects are still more dangerous. Under the influence of religious and conservative NGOs, the United States has—both domestically and in its capacity as the world's largest donor to HIV/AIDS programs—heavily promoted HIV prevention programs that define sexual abstinence and marital fidelity as the sole solutions. The "United States Leadership against HIV/AIDS, Tuberculosis, and Malaria Act"—a foreign aid program passed in 2003, and commonly known as President's Emergency Plan for AIDS Relief (PEPFAR)—mandates that one-third of prevention spending go to "abstinence until marriage" programs. In the United States, such federally-funded programs have censored scientific information about the efficacy of condoms, and called marriage the *only* reliable strategy for preventing sexual transmission of HIV.²² In

²¹ At <http://www.bju.edu/letter>, the website of Bob Jones University; retrieved November 11, 2004.

²² See Human Rights Watch, *Ignorance Only: HIV/AIDS, Human Rights and Federally Funded Abstinence-Only Programs in the United States*, September 2002. The domestic mandate to promote "abstinence only" education had been a project of conservative members of Congress since the 1980s. The 1996 "welfare reform" bill in the U.S., for instance, required states accepting federal funds to teach "abstinence from sexual activity outside marriage as the expected standard for all school-age children," as well as that "sexual activity outside the context of marriage is likely to have harmful psychological and physical effects." The bill points to one of the origins of the policy: in the endeavor to exert state control over the sexual lives of the poor. Meanwhile, both domestically and internationally, the Bush administration has used its commitment to "abstinence-only" education to funnel funds to "faith-based" organizations that are among its political

teaching that heterosexual marriage is the sole safe environment for sex, these programs implicitly but intrinsically condemn lesbians' and gay men's sex lives—since, in most countries, they cannot marry. The programs also cut off people at risk of HIV from information that could save their lives.

The result, in countries that are candidates for PEPFAR funding, has been a rash of statements endorsing abstinence and condemning condoms. In May 2004, for instance, President Yoweri Museveni of Uganda, who had long supported condoms as part of a prevention strategy, changed his position and declared that they should only be provided to sex workers.²³ In March 2004, Zambia reportedly banned distributing condoms in schools, claiming they spread promiscuity among youth.²⁴

One characteristic of many of these assaults on sexuality is that fundamentalist forces interpret opposition—attempts to keep their proposals from being enacted into policy—as an attempt to silence them altogether, or to keep them from urging their principles upon free individuals. Thus promoting an open public sphere where religious institutions and others with different views can speak is treated virtually as an initiative to suppress the church. One can—and human rights activists do—oppose those who want gay sex criminalized, while respecting the opponents' consciences and safeguarding their political freedoms. Yet in a strange inversion, those who vociferously object to applying human rights principles sometimes claim that any debate itself breaches their basic rights.

They do this by claiming that individuals' rights violate the “rights” of the “community” to enforce morality—and silence. This appropriation of rights language should not be curtailed—the words are available to all—but it deserves to be questioned. When an Australian evangelical group claims that anti-discrimination legislation would infringe “the rights of heterosexuals,”²⁵ it may seem marginal. The Catholic Bishops Conference of the Philippines carried more authority, though, when answering Human Rights Watch's criticism of government policies—heavily church-supported—that impeded

supporters. Groups that criticize “abstinence-only” programs have been subjected to fiscal audits, apparently in response to pressure from the White House and conservative politicians. See Françoise Girard, *Global Implications of U.S. Domestic and International Policies on Sexuality*, International Working Group on Sexuality and Social Policy Working Papers No. 1, June 2004, at <http://www.healthsciences.columbia.edu/dept/sph/cgsh/IWGSSPWorkingPaper1English.pdf>, retrieved November 21, 2004.

²³ Rachael Rinaldo, “Condoms take a back seat to abstinence with U.S. AIDS Money,” *Inter Press Service*, May 24, 2004. The article quotes an anonymous U.S. official as stating that funds could be used by governments to buy condoms—but that they should only be distributed to “high risk” groups.

²⁴ Z. Geloo, “Anger at move to declare schools condom-free zones,” *Inter Press Service*, March 16, 2004.

²⁵ Website of John Mark Ministries, <http://jmm.aaa.net.au/articles/10364.htm>, retrieved November 12, 2004.

condom use.²⁶ A spokesman said, “If we speak the language of rights, let it be about authentic human rights—rights which foster human dignity.... The right to religious belief is a paramount human right. Will Human Rights Watch deny that?”²⁷

The right to religious belief does not mean that belief can tyrannize over others’ bodies—or deny others what they need to save their health and lives. The exercise of individual conscience is not infringed if governments give men and women information and condoms that will help them survive. Human rights groups should and typically do stand up fiercely for religious freedom and the rights of believers. They should also stand up against religious groups seeking to dilute or destroy rights protections on the sole ground that they safeguard actions which faith or teaching may condemn. This holds true whether the freedoms at stake are those of religious dissenters, atheists, women, or men, or whether they involve consensual sexual behavior. Human rights principles should not be twisted into a tool to suppress expression, conscience, or conduct, when the only harm is in the mind of someone who takes moral umbrage at another’s behavior or belief.

Finally, the public health consequences of the policies in question expose how untenable are fundamentalist forces’ claims to be defending “rights” or to be standing up for “communities.” When HIV/AIDS outreach workers are assaulted, in the name of national tradition; when people are force-fed unscientific propaganda instead of life-saving facts, in the name of safeguarding the family; when they are refused condoms, in the name of moral values: it is communities who suffer, as HIV infection spreads. More than ideology is at stake in the backlash over sexuality. Societies are devastated. People die.

In the International Sphere

Far from conferences and Cairo, another important thing happened in 1994. The U.N. Human Rights Committee, in its landmark decision in *Toonen v. Australia*, held that so-called “sodomy laws”—laws criminalizing consensual homosexual conduct—violated standards of privacy and equality, and that “sexual orientation” was a status protected against discrimination by the International Covenant on Civil and Political Rights (ICCPR).

²⁶ See Human Rights Watch, *Unprotected: Sex, Condoms, and the Human Right to Health in the Philippines*, vol. 16, no. 6, May 2004.

²⁷ Patrick Goodenough, “Philippine pro-lifers stand by anti-condom policy,” *CNSNews*, May 6, 2004, at <http://www.cnsnews.com/ForeignBureaus/Archive/200405/FOR20040506b.html>, retrieved November 12, 2004.

This has been the single most important U.N. move to affirm equality based on sexual orientation. It has supported the grassroots struggles of countless activists. Yet since that year, the United Nations has increasingly become a battlefield in wars over “culture” and sexuality.

U.N. conferences such as the Beijing World Conference on Women; General Assembly Special Sessions such as the 2001 meeting on HIV/AIDS or the 2002 gathering on children; and increasingly the annual meetings of the U.N. Commission on Human Rights have been sidetracked or taken over by fierce contests over questions of sexuality. In the process, an odd alliance has emerged. It brings together the countries of the Organization of the Islamic Conference (OIC); the Holy See (which, though not recognized as a state, occupies observer status at the United Nations); and a group of mostly U.S.-based NGOs, some identifying as Catholic, some rooted in evangelical Protestantism or Mormonism, all with domestic records of combating reproductive rights and sexual rights. Under the Bush administration, the latter have had sometimes tacit and sometimes overt backing from their government.²⁸

The alliance merits some comment. Its members work together closely, visibly planning strategy in tandem at some sessions. Yet their opportunistic transcendence of the conflicting confessional, political, and social traditions they represent boldly defies any contention that “cultures” are or should be self-contained, insulated, or incapable of negotiating across differences. They model the diversity they deny. At various venues the members of the alliance have all claimed to be defending the “traditional family,” as if unaware of the different entities the term might describe in Arizona and Qatar. The irony of finding present and former officials, including diplomats, from powerful OIC countries serving on advisory boards to U.S. NGOs identified with the “Christian right” is profound. To add to the irony, many of the U.S. NGOs now devoting time and resources to U.N. advocacy oppose the U.N. and all international human rights mechanisms. One highly prominent U.S. advocate said in 2000, “Should the U.S. get out of the U.N.? That’s a question I always steer clear of, principally because to participate in the U.N. in the way that I do, you must at least have a veneer of supporting the U.N.”²⁹

²⁸ On reproductive-rights issues at the U.N. level, the Bush administration has played an open and militant hand. When sexual orientation has arisen, it has been quieter—with indications that it directs NGOs to do its work for it.

²⁹ Austin Ruse of the Catholic Family and Human Rights Institute (C-FAM), quoted in Jennifer Butler, “New Sheriff in Town”: The Christian Right nears major victory at the United Nations,” *Public Eye*, vol. 16, no. 2 (Winter/Spring 2002).

The goals that unite them are simple to sum up: deleting sexuality. They fight to roll back the affirmations of reproductive and sexual rights in the Cairo and Beijing Platforms for Action; to restrict or eliminate mentions of family planning, sexuality education, reproductive rights, and related issues; and to keep language on sexuality, sexual rights, or sexual orientation out of any U.N. documents, ever.

“Sexual orientation” has been a key issue for these opponents, both in its own right and as a wedge to attract the votes of other countries from the developing world. One writer comments that religious and socially conservative groups in the U.S. are “turning to the developing world as an innocent, unspoiled frontier, which might possibly be rescued from a morally bankrupt West.”³⁰ At the Beijing conference in 1995, a flyer claiming to be from unnamed, conservative women from “Developed Countries” offered to “apologize to people from the less developed world ... [for the West’s] direct attack on the values, cultures, traditions and religious beliefs of the vast majority of the world’s peoples.”³¹ At Beijing +5 (the General Assembly session five years after the World Conference on Women) a similar anonymous flyer courted developing states, blaming conference delays on perversions: “If the West would stop pushing homosexual and abortion ‘rights’ on unwilling countries, the document would be done. Don’t blame the developing countries with the courage to defend their values and their right to self-government!”³²

More is involved than flyers. The rights of lesbian, gay, bisexual, and transgender people simply appear an easy sacrifice in the eyes of this alliance. The 2001 U.N. Special Session on HIV/AIDS saw a furious (and ultimately successful) campaign to rid the final document of specific references to vulnerable groups, including men who have sex with men, drug users, and sex workers. OIC states fought to prevent the International Gay and Lesbian Human Rights Commission from addressing a panel on human rights—an issue which finally came to a General Assembly vote (where the OIC narrowly lost).

Debates around sexual orientation reached new intensity in 2003 and 2004, at the annual meetings of the U.N. Commission on Human Rights. In 2003, Brazil introduced a resolution on “Human Rights and Sexual Orientation,” which expressed “deep concern” at “violations of human rights all over the world against persons on the grounds of their

³⁰ Jennifer Butler, “For Faith and Family: Christian Right Advocacy at the United Nations,” *Public Eye*, vol. 9, no. 2/3, p. 9.

³¹ Cited in Cynthia Rothschild and Scott Long, *Written Out: How Sexuality Is Used to Attack Women’s Organizing*, a report by the International Gay and Lesbian Human Rights Commission and the Center for Women’s Global Leadership, 2000, pp. 63-64.

³² Flyer on file with Human Rights Watch.

sexual orientation.” The resolution came with little warning; few NGOs had a chance to mobilize fully to support it that year. It met with frenzied opposition, though, from some Commission members and from conservative NGOs, above all in the United States. Pakistan, in an *aide-memoire* on behalf of the OIC, stated:

The resolution has been built on an “assumption” “for the purposes of the resolution” that the concept [of sexual orientation] encompasses various manifestations of sexual behaviour. The list could always be expanded to include heinous activities like pedophilia and other errant behaviour. ... The draft resolution directly contradicts the tenets of Islam and other religions. Its adoption would be considered as a direct insult to the 1.2 billion Muslims around the world.³³

This language imitated that of Christian-based NGOs in the United States, who had quickly circulated misinformation about the key term’s meaning—suggesting that any of the sexual disorders listed in the American Psychiatric Association’s Diagnostic and Statistical Manual (DSM) could qualify as a “sexual orientation.” Thus, they claimed, “22 different ‘sexual orientations’” could be protected by the resolution, including bestiality or pedophilia. They warned the resolution would offer “*special* human rights (rather than *equal* human rights),” calling it “infamous,” “dangerous,” and, worst of all, likely to “pave the way for the legalization of same-sex marriage across the world.”³⁴

As the lobbyists well knew, “sexual orientation”—as understood in ordinary speech as well as in repeated references in official U.N. documents—describes whether a person’s sexual and emotional desires are directed primarily to people of the same or opposite sex, or to both. It has nothing to do with the conditions listed in the Diagnostic and Statistical Manual.³⁵ Yet the distortion of language and medical fact, the conflation of human rights principles with “protecting bestiality,” had their effect. In a chaotic session, the resolution narrowly lost on a procedural question—by two votes—but was postponed until the following year. 2004 saw unprecedented global mobilization of lesbian, gay, bisexual, and transgender activists, and a sweeping coalition of other human rights groups, to support the measure. However, OIC countries applied equally unprecedented pressure, threatening to quash possible trade relations with Brazil.

³³ Copy on file at Human Rights Watch.

³⁴ See Lynn Allred, “Thwarting the Anti-Family Agenda: An Eyewitness Account of the Commission on Human Rights,” *Meridian Magazine*, online at <http://ldsmag.com/familywatch/040505agenda.html>, retrieved November 11, 2004. Material about the “22 sexual orientations” was distributed at the 2003 and 2004 Commission sessions.

³⁵ The DSM, of course, actually declares that homosexuality is not a disorder.

Sexuality at the United Nations had finally graduated to the kind of issue that economic ties could hang on. Brazil postponed the resolution again. Its future fate is unknown.

In a further sign of how the attacks on sexuality widen into attacks on general rights standards, in 2004 Egypt also spearheaded a battle by the OIC to remove “sexual orientation” from a crucial Commission resolution on extrajudicial executions. Repeatedly in the past, the same opponents had sought to undermine the work of the U.N. Special Rapporteur on extrajudicial killings, whose reports drew attention to state-condoned or state-sponsored murders in many of their countries. They had used her work on murders of “sexual minorities” to discredit her work on honor killings of women, implying the second led to the first. And they used both to try to dismantle her mandate. This year, they made it clear they would be happy to kill the resolution—one basic to the United Nations’ human rights mechanisms—if it condemned killings of lesbians and gay men.

Although the move was defeated, the story here returns again to Cairo: for it was evident that Egypt was driven in part by the desire to keep unwanted U.N. attention away from its violent domestic crackdown on gay men. The local backlash and the international one meet.

Cultures and their Faces

On the night of September 29, 2004, FannyAnn Eddy, founder of the Sierra Leone Lesbian and Gay Organization, was brutally murdered in the group’s offices in Freetown. Although the motives for her killing remain unclear, many suspect she was targeted for her visibility as a lesbian and an activist. Human Rights Watch worked closely with her. This essay is dedicated to her memory.

Lesbian, gay, bisexual, and transgender people have learned one lesson over the last twenty years: violence follows visibility. People can be killed for their courage in standing up, in speaking out about themselves. Yet FannyAnn’s life and death, on a continent where homosexuality is again and again called “un-African,” call attention to another truth. Cultures are made up of faces. They are not monoliths; they are composed of diverse individuals, each contributing to and minutely changing what the culture means and does.

When a culture is reinvented for ideological purposes as a faceless, seamless whole—incapable of dissent from within, so that any dissenter automatically becomes an outsider; incapable of changing, so that growth seems like destruction—it has ceased to

be an environment in which people can live and interpret their lives. It has become a rhetorical weapon to be wielded against individuals, a tool of repression. And any phenomenon that embraces innumerable Africans like FannyAnn can be called good or bad, right or wrong; but it cannot be called “un-African.”

The forces described here draw their strength from fear. They share an anxiety: that norms governing personal life, which family or community or religion used to inculcate, are losing strength. They share an ambition: to enlist the state’s authority to enforce those norms. If there is a useful definition of “fundamentalism,” perhaps it is this drive to seize the state, turn its spotlight on private life, and make it the agent of a newly-codified “tradition.” They fail to understand—or, perhaps, they understand too well—that a norm changes when it becomes a law: that, once backed by all the power of a modern state, it loses the flexibility and negotiability that are the essence of a tradition. It can only punish and repress, and it will find new victims.

The role of human rights principles, unquestionably, is to mark out spaces of personal freedom, to affirm areas where individual privacy and dignity and autonomy should prevail against state or community regulation. But human rights principles also defend communities. They guard them against measures which, by isolating or marginalizing people, threaten the whole body politic with epidemic disease. They protect minority and subcultural communities against change or uniformity forced on them by the state. They ensure diversity both among communities and cultures, and within them.

A dialogue between “rights talk” and “culture talk” is overdue—one which explores not only the real meaning of culture, but the actual workings of rights. Rights work does not promise utopia, only an endless process of protecting basic human values against constantly renewing threats. But it also does not promise the dissolution of cultures or the annihilation of traditions. It helps to ensure that they remain responsive to the human beings they contain. To conserve is to care for, not to preserve unchanged. The dialogue will happen only if true conservatives, who respect the past because they grapple with its complexities, dismiss the false ideologies of cultural uniformity that exploit sexuality with no other real goal than to reject, exclude, and destroy.