

# **Inclusive Approaches to Sexualities in Muslim Societies**

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**Report of the Consultation Meeting organized by  
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*“Inclusive Approaches to Sexualities in Muslim Societies” was a consultation meeting co-organized by Women for Women’s Human Rights (WWHR)-New Ways and Hurriyat Khasa, held in Beirut, Lebanon on December 16-18, 2005. The meeting brought together 14 NGO representatives and academicians from Egypt, Pakistan, Bangladesh, Lebanon and Turkey. The consultation aimed at bringing to the forefront issues of non-conforming sexualities and sexual orientation within the broader framework of sexual rights and freedoms, as well as exploring the various forms of alliance, inclusive approaches, and innovative strategies to advocate for sexual and bodily rights in the contexts of Muslim societies. The following summary report is based upon participants’ inputs and the discussions that took place in the meeting:*

The growing activism and adamant advocacy efforts in Muslim societies towards the realization of sexual rights has led to significant advances forward in the past few years in Muslim societies; both in terms of law reform, and changing attitudes and challenging silence around sexuality. However, sexuality still remains a contested domain and taboo in many instances, and women’s bodily and sexual autonomy is still restricted. What is even more fiercely challenged, marginalized, subjugated or disregarded in this context is non-conforming sexualities; that is to say sexualities which fall outside the heteronormative, patriarchal social constructs of “expected and accepted” sexual behavior. Non-conforming sexualities is an inclusive definition which can include, in the broadest sense, any person, preference, conduct that does not conform. In this respect, in addition to the rather obvious reference to LGBTIQ, the term also refers to women, and in some instances men, who choose to live outside the norms of a heteronormative patriarchal society, i.e. women who choose not to get married, women with multiple partners, women who express their sexual desires openly, young women who experience their sexuality different than what is already defined by their families and society etc.

Bearing in mind that women with non conforming sexualities face similar discrimination and violations of their rights, and the overall silence around women’s sexual rights and freedoms, the general consensus throughout the consultation among participants was approaching the emerging issues through the broader framework of non-conforming sexualities was at once more appropriate and strategically sound. In particular considering the national contexts where even sexual rights and sexuality per se were still contentious domains in themselves, repeatedly being oppressed and manipulated with ever rising conservatism, nationalism and militarism, a single faceted or fragmented approach would both fall short of addressing the concerns at hand and also may be even detrimental to advocacy efforts around sexual rights and freedoms. Therefore, the discussions throughout the meeting focused not specifically on

issues around homosexuality, but on the broader frameworks of non-conforming sexualities and sexual rights and freedoms.

Even though the legislation, societal norms and constructs and the room for advocacy displayed variations in each national context, the prevailing conditions shared similar attributes: in most cases homosexuality is criminalized, though often it is not explicitly named as such and regulated under other crimes; there is a predominant silence around homosexuality, in particular female homosexuality; women with non-conforming sexualities are faced with similar discrimination and regarded as a threat to the existent social structure; and despite the challenges, the growing activism around sexual rights in Muslim societies has resulted in windows of opportunity.

In Egypt, female homosexuality is not mentioned anywhere in the law and there is no precedent. Even though, men are not mentioned explicitly either, the anti-prostitution law is applied against male homosexuals. Recently, the Supreme Court has appealed to narrow down debauchery only to sexual intercourse in public. There are also no laws against transgenders, though they face difficulties getting medical services. There is no organized LGBT movement, but the internet has been providing a space, not for political discussion but more as a meeting, dating, and communication forum. There used to be also some public spaces available to gay men, however both internet and public space use has decreased significantly following the 2001-2003 crackdown, during which men suspected of having sex with men were arrested and prosecuted systematically.

Despite the predominant silence around homosexuality in Pakistan there have been a few court cases. Most recently, there was a case of forced HIV testing. The fact that the case, also seeking protection in the constitution, has been admitted to court is an encouraging development in itself. Even though there have been no recent incidents, penal code article 377, descended from colonial law, criminalizing all unnatural sexual acts, still remains an issue and a threat, mainly for male homosexuals. There is some space on the internet, like Egypt, though no political forum.

Silence and invisibility around homosexuality is predominant in Bangladesh. There are no explicit legal provisions and nothing at all on lesbianism. It is not talked about either. Like Pakistan, Bangladesh also has the penal code 377, the unnatural offences clause, though men are not necessarily taken to court. However, police assault, rape, asking for money happens and male homosexuals do face the threat of violence on a regular basis. The traditional transgender community of Hircas, who used to be accepted as part of the society have now been marginalized and transformed into objects of curiosity. There is no movement, yet there are personal actions. Recently, sexuality is being discussed more and more due to the rise of HIV/AIDS. Transgender organizations have started to get international funds and they are advocating to be recognized as a third gender.

In Lebanon also, homosexuality is criminalized in the penal code under the provision “penetrative unnatural acts.” Female homosexuality does remain invisible for the most part, though in 1992 there has been a case prosecuting two women of having sex. Usually any prosecution of homosexuality takes place in combination with other crimes. There is a recently growing LGBT movement in Beirut, which is becoming a more permissive atmosphere, with growing activism from young organizations around issues of LGBT, personal rights and the right to privacy.

In Turkey, homosexuality is not criminalized in anywhere in the law. The LGBT movement, though small and limited to big cities, has been active since the early 1990s and is becoming more and more political. Most recently, during the campaign for the reform of the penal code from a gender perspective during 2002-2004, the LGBT movement joined forces with the women's movement, advocating for the amendment of provisions discriminating against homosexuals and transgender people. Even though the demand to criminalize discrimination based on sexual orientation has not been accepted, it has been a significant step in publicizing the issue and putting it on the political agenda. Following the campaign, the governor of Ankara has appealed to close down Kaos GL, an LGBT organization, with the claim that the name was against Turkish morality. The appeal was rejected and not admitted to court by the public prosecutor who stated that such an appeal was completely obsolete, and there was nothing immoral in the association's name. Despite the relatively more permissive situation with the law, homosexuals still face discrimination and prejudice, in some instances also violence. The silence around homosexuality, though still pervasive, is being broken with strengthening LGBT activism, at least in the big cities.

The above mentioned national contexts cannot be considered within a vacuum. The discrimination and violations homosexuals or women with non-conformal sexualities face have to be addressed within the broader system, taking into consideration all social constructs and norms, political and economic forces regulating sexuality. Therefore applying a single one dimensional discourse or considering issues of non-conforming sexualities as an independent question would fall short of creating an approach to adequately pursue sexual rights and freedoms. As such, the need for creative and innovative strategies and tools are necessary, rather than subscribing to existent paradigms and labels, introduced and often imposed by the west.

An inclusive approach necessitates alliances and often a combination of different approaches to challenge the existing discrimination and violations. Even though alliances are crucial in advocating for sexual rights, it is not usually easy to form and sustain alliances, be it within or across movements. Part of the difficulty lies in the fact that alliances are often identity based, constituting a dividing rather than unifying force. At the point where identities clash, the concept of inclusivity transforms into exclusivity. Furthermore, building identity based alliances bring forth complex questions of who is to ally with whom: for example, most cases the invisibility of lesbian and bisexual women within the LGBT movement is an issue, is it more beneficial women lesbian or bisexual women to ally themselves with the women's movement or the males in the LGBT movement? How far do alliances across movements work? Issue based alliances provide a different medium, moving away from the question who are we working for towards what are we working for and create and/or use a broader space. Through these, it is possible to take a step beyond identity divisions and use an inclusive sexual rights framework.

Different approaches are employed by NGOs and activists to promote sexual rights and freedoms, depending on factors such as the issue at hand, social and political conditions, and possible allies. In Egypt and Lebanon, using the paradigm of personal rights and the right to privacy have been used by organizations such as *EIPR* (Egypt) and *Hurriyat Khassa* (Lebanon) successfully since early 2000s to promote sexual rights and issues of non-confirming sexualities. In the case of Lebanon, personal rights and the right to privacy have been advocated for within the framework of penal law, combining issues of sexual rights, sexuality under the umbrella of the right to privacy. This approach has also meant the challenging of the "official" way of life and questioning the boundaries of the private and the

public. Their 2003 conference on the penal code has generated considerable public interest and media attention. *EIPR* made a strategic decision to postpone concentrating on outreach, and started out with litigation, press relations and advocacy, undertaking documenting, conducting conceptual research on sexual and reproductive rights, legal assistance. The research has been exploring different concept of sexuality, in particular women's sexuality, policies, legislative and policies on sexuality. They are also working closely with the women's movement in Egypt, pressuring women's groups to work on sexuality. The fact that the religious conservatives are the most active constituent working on sexuality; advocating fiercely against sexual rights not only on the national, but also on the international level at platforms such as Beijing +10 has been a valid pressure point.

Health has also been a gateway for sexual rights advocacy and rights of homosexuals in various instances in Muslim societies, in particular as a starting point, in countries such as Lebanon, Bangladesh and Turkey. Even though the health framework has proven to be very useful in many instances, it can also be a problematic one, because sometimes the discourse and priorities stand rather far from the rights based approach. Allying or working within the health framework in most cases implies collaboration with state agencies and international organizations, which can be advantageous or disadvantageous. *Hellem*, the first overt LGBT organization in Lebanon, has been actively using the health paradigm since its foundation. They have had success in health work, counseling and support and also engaged in fruitful collaborations with different organizations and the Ministry of Health. The national program on AIDS has been a major achievement. Health has also been a tool in mainstreaming homosexuality. *Hellem* has also been a very visible and vocal organization which has had benefits as well as difficulties. On one hand the visibility has put LGBT issues on the public agenda in Lebanon for the first time and also contributed to the work and presence of other NGOs working on sexuality in the region. On the other hand, the visibility has been criticized by some segment of the LGBT community as they felt the visibility was endangering them and putting them on the spot.

In Bangladesh, HIV/AIDS has to some extent opened the way to talk about sexuality more directly. Donors have brought it on the agenda and this has led to some documentation, though the focus has been mainly on men having sex with men and sex workers. Since government controls all NGO funding, there is limited room to set an agenda. The discourse around HIV is very medical, and people are not interested in talking about issues of non-normative sexualities. Sex workers are well organized, having recently gained the right to guardianship of their children as well. In Turkey, in the beginning the LGBT groups also used the health framework, but it did not really go forth as collaborating with the ministry of health did not work out.

Just as it has been utilized by the women's movement, violence has also been employed as an entry point, as in the cases of Pakistan, Egypt, and Bangladesh. Even though using the violence paradigm has significant shortcomings and is mostly used in combination of other approaches, as it is opposed to the proactive and affirmative approach of the sexual rights and freedom framework, it has also proven beneficial in some instances. In Pakistan, even though *Vision* began working with HIV as a starting point in 1998, the framework of violence was what was more crucial than health. The community *Vision* was working with, *zenanas* (men identifying as women), they found that health was not a priority. As the organization's work progressed, it became obvious that a rights based approach was what was essential. Starting as a service delivery organization, together with the *zenana* community, *Vision* opened a center for the community also extending to children. In Egypt, some work on sexuality, i.e. FGM has

been through the health framework, which has succeeded in medicalizing the harmful practice, but at the same time halted any discourse on sexual rights. Sexual violence is integrated into the human rights discourse in Bangladesh, but it is not explicitly named as sexuality.

In all cases, one static approach or strategy is not sufficient to tackle issues of non-confirming sexualities. Taking advantage of the social, political conditions at hand, moving forth from identified needs, finding innovative tools to use the space available are essential components to take steps further. For example, even though identity based approaches and alliances remain problematic, in Bangladesh, where it is still a taboo to talk about sexuality, identity politics is in some cases the only available to talk about sexual rights and challenge the control of the body and sexuality. Even though the growing visibility of LGBT in Beirut is closely linked to the commodification of sexuality, groups in Lebanon and the region are finding ways to make use of this situation. Also a point of discussion was the benefits and shortcomings of a rights or freedom based approach. While using the concept of individual and sexual freedom provided more space and a more dynamic context, a rights based approach also entailed legal legitimacy. One way to overcome this binary was to work around the premise that the two are not mutually exclusive and could actually be considered as complementary frameworks.

Affirming non-confirming sexualities and realizing sexual and bodily rights and freedom remained a challenge, particularly in the prevalent conservative atmosphere and the vacillating political and national contexts. However, the room for change and steps further was also visible both from the efforts of organizations and the way windows of opportunities could be used. In each case, adopting an inclusive approach, using the larger framework of sexual rights and freedoms, forming fruitful alliances rather than reinforcing divisions were conceived as more useful choices. While participants agreed that setting clear defined strategies or absolute frameworks in these contexts would be futile, as the contexts, actors, situations were subject to change and the socio-political contexts were very challenging, still elaborating on the questions at hand and further discussions were essential steps. Among proposals for incorporating non-confirming sexualities in the sexual rights framework and advocacy were generating more in depth discussion among activists around these questions; conducting comparative mapping exercises of what is already out there; documenting and sharing positive examples; making use of regional and international platforms for further advocacy, and forming action based alliances depending on the context. Thus, even though the challenges are evident, there are important and useful steps further in promoting sexual rights and freedoms in Muslim societies and means to integrate non-confirming sexualities within the discourse without subscribing to pre-set constructs and divisions.