

## **Culture, Religion and Human Rights**

*social constructions of male sexual behaviours in South Asia  
implications for human rights*

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There is not enough time to adequately analyse the differing religious and cultural frameworks, particularly those from South Asia, that impact upon an understanding of the concept of human rights. So instead I would like to raise a series of questions.

Earlier this year, the Netherlands Government had instructed their embassies in developing countries to look for and provide support to lesbian and gay activists challenging their governments around the abuse of their human rights. This startling intervention came about because of the international furore that President Mugabe of Zimbabwe had caused with his furious denunciations of self-identified lesbians and gay men in his country, having also instigated actions against the members of the Gay and Lesbian Association of Zimbabwe calling them evil, perverted, tools of the West, well, you know what else.

Here was a Western donor nation, one that had strong support for its own lesbian and gay communities, who having accepted that there were lesbians and gay men in developing countries, was willing to provide financial support to develop human rights responses to their needs.

On behalf of The Naz Foundation I wrote to the Netherlands Foreign Ministry with specific regard to our work with local groups, networks and organisations in parts of South Asia towards developing sexual health services for males who have sex with males.

Their response was enlightening. I was told quite bluntly that they were specifically interested in the human rights for lesbians and gay men in developing countries, not HIV/AIDS. So HIV/AIDS sexual health information and support services for males who have sex with males is not a human rights issue!

In the light of public denials of the existence of homosexuality and of homosexual behaviour in many of our countries, or where the existence of homosexuality is seen as a Western perversion "infecting a small number of individuals within the country", very, very few services have being developed for males who have sex with males and

for gay-identified men. What exists has been through the courageous actions of a few gay support groups and organisations, such as Humsafar Trust in Bombay, Companions of a Journey in Sri Lanka, Pink Triangle in Malaysia, OCCUR in Japan, 10% club in Hong Kong, Action for AIDS in Singapore, and Naz sister organisations in New Delhi and Calcutta which focuses more on males who are also homosexually active as part of their sexual repertoire.

We are familiar to the Dutch response in the context of HIV/AIDS and male to male sex which had been supported by UNAIDS in its previous incarnation of GPA, and also by a host of international donor agencies who had swallowed the assumption that AIDS in Asia is "heterosexual". That while these cultures may have indigenous same sex behaviours, it is minuscule, and therefore there was no need to invest in HIV/AIDS programmes that dealt with male to male sexual behaviours. We were invisible therefore we did not exist. We were told we do not exist because we were not visible. And we could only become visible by claiming lesbian or gay identities, where upon we become victimised as pawns of the West to destabilise our own religions, cultures and societies.

This raises the whole issue of language and terminology, and whether the terms used have any significance or meaning within the context of differing cultures and religions. For what does human rights mean in these differing contexts? What do the words lesbian, gay, bisexual mean in this differing cultures?

Our work with lower income groups in South Asia has indicated that substantial numbers of males who have sex with other males as part of their sexual repertoire, also have sex with females whenever possible. Heterosexual or homosexual identities as Westerners understand them do not exist. Sexual behaviours are based on discharge not upon identity. This does not imply that lesbian and gay identities do not exist in our countries. Of course they do, but the issues of sexual health are much broader than that. For sometimes, the language of identities, and Western constructions of sexuality are inappropriate in delivering culture specific HIV/AIDS sexual health services in terms of male to male sexual behaviours.

Within this context of meanings, cultures and religions, Western constructions cannot just be transposed from one culture to another. They are not absolutes in themselves and culture free. And here lies the crux of the problem around cultures, religions and human rights. Sexual identities and concepts of human rights are based on concepts of individuality, on individual rights, on a sense of the individual, separated from everything else. Whereas in our cultures, concepts of individuality, of the separated

individual are weak. Family, community, the group, clan, these are the centres of our identities. To be separated, an individual, is often seen socially and religiously as an aberration. We can put the debate succinctly as a conflict between the rights of the individual and the rights of the community.

Without any contextualisation, language becomes divisive, creating barriers to any effective communication and shared values. Words become power-loaded. Where a religion and/or culture finds itself in opposition to Western concepts because its framework is different, its world view is different, it is often assumed that it is uncivilised, barbaric, dirty. The whole of Asia is caught up in this debate, and a great deal of anti-Western rhetoric has been aired from Malaysia to Iran, from China to Saudi Arabia. The problem is that the arguments between the different value systems are seen as diametrically opposed. And hierarchical. Each side of the argument sees its value system as superior. Hierarchical and oppositional. The person gets lost here, caught in this reductionist debate. But this great rift does not have to exist as an unbridgeable divide. It is possible to synthesis concepts of the individual and those of community perhaps through concepts of personhood.

Concepts of individual human rights as they are currently articulated in a range of documents, debates, laws, have arisen from a specific historic context, through social evolutionary pressures in the West over the last 1500 years, the Christian Reformation, the Enlightenment, the American and French revolutions. The concept of individual human rights is clearly contextualised within the socio-cultural histories of Western nations.

In our cultures and religions, the individual and the community and not seen as separated, as distinct entities. The individual is subsumed within family and community. Personal choices are secondary to family, community and religious choices. In fact choices may not be the right word. Duty, honour, obligation, social contracts may be more appropriate. For many lesbians and gay men in our countries, you don't choose to marry, you have a duty, a family obligation to marry and produce children. To do otherwise is seen as an aberration, a threat to social stability, a threat to family and community.

Let us also not forget that unlike the West with its Christian burden of Original Sin and Guilt, our religions and cultures have as their primary frameworks of social control, shame and dishonour.

While this may sound pedantic, these generate significant differences in social values and behaviours. Shame and honour are public statements, possessions. If behaviours are invisible, then there can be no shame, and no loss of honour?

Notice concepts of witnessing, for example, in Islamic law, the Sha'ria. There is need for either a public confession, or for four male witnesses of good community standing, for a religiously illicit behaviour to be punished. The community duty for marriage and children are also a part of this.

Notice in Hinduism, the central concepts of dutiful marriage and male children. To do otherwise is to bring shame and dishonour to the family.

In our societies, religion, religious practices, culture and social life are inextricably linked, mixed and intertwined. They cannot be reduced into separated compartments, so beloved by Western science, Western rationalism, and Western logic. In the West, the secular and the religious are seen as two separated worlds, each in opposition to each other, where culture is often seen as reading Shakespeare, going to the Ballet, listening to Beethoven, Civil life in the West is structured around these separations, whereas in our societies, civil life is structured in the interrelationships between these frameworks.

Western countries have built up a whole raft of legal rights for the individual that reflect economic and social frameworks. Social rights, welfare rights, unemployment benefit, sickness benefit, maternity rights, paternity rights, and so on.

For our countries, the vast majority do not have these rights. Without our family or kin group, or community, we may find ourselves isolated from all support systems that we need just to survive, Homes, food, jobs, friends, and at times, even sex!

So where does this leave us. We started out by saying that sexual health responses to HIV/AIDS issues of males who have sex with other males in South Asia was not seen as a human rights issue. We wondered whether the language of sexuality and human rights as they are currently expressed make any sense -**a common sense** - in different cultures and religions. We articulated two different world views, one that is centred upon the individual the other the family/community, and we found that economic and social conditions also have a bearing in our responses to these issues.

I really don't know. Do you? But we need....

In October 1995, Naz Foundation with the Pakistan AIDS Prevention Society organised a consultation meeting regarding HIV/AIDS services in Muslim countries, whether it was possible to develop a Muslim response to HIV/AIDS. This came about through a previous consultation meeting on an Islamic and Christian response to HIV/AIDS held in Alexandria in 1992. A central conclusion of the latter was that people MUST obey religious dictates, they must stop doing things that these religions forbid, such as pre-marital sex and extra-marital sex, which by self-definition excludes and same-sex sexual behaviours. The follow-on conclusion to this was that religious law must be embedded in secular law, or should it be secular law embedded in religious law, and that such religious law must be acted upon as a deterrent. The religious community must be protected from individual actions. And in our societies, the religious community and the social community are conceived as one.

Now in this context, the Sha'ria, the Torah and the Old Testament of the Bible are quite clear. Adultery and fornication are punishable by death. Same sex behaviour, lust, also punishable. So where lies human rights within this context?

In our consultation meeting, human rights was a central issue also. What does this mean in the context of Muslim societies? For whom? Unfortunately there was no real resolution. Those whose lives centred on religious values, and those who centred on individuality could not come to a shared value system. What was achieved was a willingness to continue the debate, to talk with each other rather than shout accusations at each other

We need to stop shouting at each other. We must stop seeing the debate as "You are wrong - I am right". We need to find synthesis, understanding, a bringing together of these two world views. We need to see these as complimentary, not oppositional. It is only from this stance that we can evolve systems of justice, fairness, equity and equality. For all. For these are the bedrocks of human rights. And until we do, human rights will become a slogan of even more abuse, even more denial, even more injustice.