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Ugandan gays and Muslim women:a common struggle to redefine family

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Summary:

What have gay rights activists in Christian-majority Uganda and Muslim women fighting for family law reform in Asia got in common? You'd be surprised...

On 14 October 2009, an "[Anti-Homosexuality Bill](#) ^[1]" was tabled before the Ugandan parliament. The Bill not only provides extreme punishments for lesbians and gays but also anyone who supports their human rights or fails to report a 'suspected homosexual' to the authorities. According to Article 1.1, the Bill's main purpose is to "protect the traditional family". This is a catchphrase common to many variants of Christian fundamentalism across the world and is often code for homophobic positions. For example, the 'Culture & Family Issues' section of the [Concerned Women for America](#)' ^[2]s website focuses almost entirely on critiquing homosexuality as 'unnatural' and against the Bible. The Family Life Network is also the name of one of Uganda's foremost anti-gay organisations, which shares its name with an [American evangelical group](#) ^[3].

Although separated from Uganda by geography, history and culture, family law reform activists in Muslim contexts will only too easily recognise the Ugandan situation. They too confront narrow definitions of 'family', the call to preserve 'the family' as a way of obstructing advance in human rights especially women's rights, and barely concealed state opposition to a redefinition of family relationships. In both contexts, political expedience or the influence of politicised religion obstruct progress. Christian fundamentalists, especially those associated with evangelical and Pentecostal churches, currently have considerable influence on Ugandan public policy, not least because of the strong support from First Lady Janet Museveni who is a fervent born-again Christian. The Bill apparently has the support of Minister for Ethics and Integrity Dr James Nsaba Butoro even though the Kampala High Court in December 2008 issued a [landmark ruling](#) ^[4] upholding the fundamental rights of two lesbians.

Many Muslim states have constitutions and international treaty obligations that mandate non-discrimination. And yet in contexts as diverse as Egypt, Malaysia, Mali, and Pakistan

fundamentalist influence has been visibly manifested in opposition to family law reform or in efforts to roll back protection for women in the family. They invariably claim that any expansion in women's rights would undermine 'the family', and insist that the family be defined as male-headed—and thereby implicitly heterosexual.

This common fundamentalist definition of family means female-headed households in Muslim contexts and same sex partnerships in Uganda share a sense of exclusion and the non-recognition of the reality of their existence. Large-scale research by the Malaysian feminist organisation Sisters in Islam [5] (SIS) has found that "Polygamy in effect gives rise to a large number of female-headed households, as each wife copes with serial desertion." An emphasis on the fact that families take diverse forms, on international human rights standards, and on national fundamental rights guarantees is part of the Framework for Action [6] used by Musawah, a global movement for equality and justice in the Muslim family. These positions are shared in a statement against the Ugandan Bill by the newly-formed Civil Society Coalition on Human Rights and Constitutional Law, which brings together two dozen civil society organisations from across the country.

The commonalities don't end there. In a recent commentary on the Bill [1], two Ugandan human rights defenders, Solome Nakaweese-Kimbugwe and Frank Mugisha, warned that "By penalising citizens for failing to report 'suspected homosexuals' to the authorities, the bill calls for the creation of a fascist-style society where family members, service providers and colleagues are made to spy on each other."

Laws that encourage public and private control of intimate relationships are also familiar to those in some Muslim contexts, where provisions regulating sexual conduct have not only been used by families to control women's choices in intimate relationships. They have also been widely misused for acts of revenge. Until a series of changes in policy and law in the 1980's Pakistan's laws enabled any unrelated third party to make an allegation of *zina* (extra-marital sex) against a couple and the law required an 'arrest first, investigate later' approach. The Ugandan Coalition is concerned that the Bill would similarly "promote blackmail and false accusations". The Ugandan Bill also silences public debate by creating the crime of 'promoting homosexuality and related activities' which includes providing institutional support such as funding or office space, as well as broadcasting or disseminating information on the issue. Nakaweese-Kimbugwe and Mugisha say this provision could be mobilised to silence political opposition, avoid discussion for multiparty political engagement and civil society criticism of the government in the run up to the 2011 elections.

Women's rights activists in Muslim contexts know all about the manipulation of laws to silence progressive civil society. They were deeply concerned about the recent UN Human Rights Council Resolution 7/19 on Combating the defamation of religions introduced by the Organization of Islamic Conference (OIC), which they fear could be used to "silence progressive voices who criticize laws and customs said to be based on religious texts and precepts [7]". It is a fear based on reality. The Parti Islam SeMalaysia [8] (PAS) is believed to be behind the several cases registered in October against SIS and the Joint Action Group for Gender Equality [9] (JAG) under the obscure "Pahang Islamic Administration and Malay Custom Act 1982 (Amendment 1987)" for 'insulting Sharia'. Although the latest attack is related to SIS and JAG's critique of whipping sentences, SIS has been a leading proponent of family law reform in Malaysia since the 1980s and Zainah Anwar, a leading figure in Musawah [10] has been the focal point of *fatwas*

from the religious right-wing for her positions on gender equality. As Anwar says “How can progressive Islam develop without a public space? We need to protect that larger space.”

Senegal, like Uganda, has also seen cheap tricks to derail national debate during an election run-up. In 2003 conservative Muslim opposition leaders sought to gain a mobilising advantage and to avoid publicly debating their proposed solutions to Senegal’s economic crisis by calling for the country’s uniform Code de la Famille ^[11] to be replaced by separate religion-based family laws for the country’s Muslim and Christian communities. Meanwhile, there are indications that the developments in Uganda have been inspired or even facilitated by America’s Christian Right, a form of trans-nationalism that is instantly recognisable to those seeking to challenge Muslim fundamentalisms.

According to Ugandan media sources ^[12] in March 2009 the Family Life Network held a workshop that sought “to expose the homosexual agenda.” The workshop facilitators included Americans associated with US Christian fundamentalist organisations which work to ‘rehabilitate’ homosexuals and lesbians. Another facilitator was Scott Lively ^[13] who Ugandan activists say is the “co-founder of the hate group Watchmen on the Walls” and author of *The Pink Swastika*, a pseudo-history book claiming that militant male homosexuals helped mastermind the Nazi holocaust.

Transnational collaboration within Muslim fundamentalist circles is also common. The conservative-dominated Organisation of the Islamic Conference ^[14] (OIC) which links and represents Muslim states at the international level is currently developing a ‘Muslim’ alternative to the Convention on the Elimination of all Forms of Discrimination against Women ^[15] (CEDAW), arguing that CEDAW’s vision of gender equality is inappropriate to Muslim contexts. However, women’s rights activists in Muslim contexts expect the OIC alternative to existing international standards to take a regressive position on women’s rights within the family.

That there are so many commonalities between struggles for gay rights in Christian Africa and for equality in the Muslim family does not mean that tomorrow the activists involved will rush to form a united front against the politicisation of religion. But it does mean that those working at the transnational level and in international human rights bodies, who have the space to see the linkages, would do well to recognise how culture is being mobilised to silence public debate on vital social issues.

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