

**Minutes of the first meeting of the Core Group on LGBTI held on 14 August 2018
at 11:00 am in Room No. 508, Manav Adhikar Bhawan, C-Block, GPO Complex,
INA, New Delhi**

1. The first meeting of the newly constituted Core Group on LGBTI was held in the Commission on 14 August 2018 at 11:00 a.m. to discuss the issues pertaining to the human rights violations of LGBTI persons, the challenges faced by them and to have views & suggestions on the Transgender Persons (Protection of Rights) Bill, 2016, along with the Standing Committee and Expert Committee Report on the issue related to transgender persons. The meeting also provided a platform for the LGBTI people to present their grievances, views and suggestions on the gaps in the policies and to suggest policy interventions required to be taken for protection of their human rights and to promote the inclusion of persons of diverse groups relating to sexual orientation, gender identity, gender expression and sex characteristics. The meeting was chaired by Hon'ble Member, Smt. Jyotika Kalra, and co-chaired by Shri Ambuj Sharma, Secretary General, NHRC. The list of participants who attended the meeting is at **Annexure I.**

2. Shri Dilip Kumar, Joint Secretary (Training & Research), NHRC, welcomed all the participants and expressed gratitude towards all the members for attending the meeting on the crucial issues of the LGBTI community. He further elucidated, that LGBTI is a diversified group of people whose views and suggestions may overlap with each other. A lot of work has been going on to address the issues of this diverse community; an expert committee was formed in 2014 on the Issues related to transgender community by the Ministry of Social Justice and Empowerment. Subsequently, the Transgender Persons (Protection of Rights) Bill, 2016 was introduced in Lok Sabha which and was later referred to the Standing Committee for examination on September 8, 2016. The

Revised Bill is currently pending for introduction in Parliament. He also introduced the agenda of the meeting before requesting the Chair to preside over the meeting.

3. Smt. Jyotika Kalra, Member, NHRC, in her opening remarks applauded Shri Ambuj Sharma, Secretary General, NHRC, for taking an initiative to get constituted a core group on LGBTI. Smt. Kalra stated that the understanding about LGBTI is very minimal among the masses and it is crucial to spread more awareness about this diversified group of people and their human rights as all human beings have a fundamental right to be treated equally. Smt. Kalra also shared her experience of interaction with the people of transgender community and stressed that it is necessary to encourage communication among the people for a better understanding and further fulfilling the aim of a cohesive and inclusive society. The problem with the abandonment of the children belonging to the transgender community needs to be looked at, it is because of abandonment, children don't go to school and are being exploited for commercial purposes. Smt. Kalra emphasized that our minds are same and are not divided based on sex, and the exclusion towards LGBTI community is a consequence of the normative notions most of the people behold in our society.

4. Shri Ambuj Sharma, Secretary General, NHRC, apprised all the participants that this Core Group covers all groups of LGBTI community and the aim of this meeting is to make an inclusive effort. NHRC is mandated to take action on the cases of human rights violation, and it also provides its views, suggestions and recommendations to Government on policy issues. The media has been exponentially writing on the issues related to LGBTI community in terms of their empowerment and legal battles. Unfortunately, the community is continuously secluded from the mainstream society and is further ostracized and exploited. The SG further informed the participants about the

NHRC's Pilot project, in process, aimed towards the employment of transgender beggars. The objective of the pilot project is to enable the transgender beggars to get employment by developing sustainable institutional mechanisms in government as well as in private sector. He concluded by stating that the meeting aims to bring a cohesive platform for the LGBTI community people to bring the desired change for their betterment.

5. Smt. Chhaya Sharma, DIG (Investigation), NHRC, further elaborated about the NHRC's pilot project with regard to the employment of transgender beggars by providing them jobs and developing a safety mechanism. She informed that the pilot project aims to bring about a sustainable change in the lives of the transgender community.

6. Shri Surendra Singh, Joint Secretary, Ministry of Social Justice and Empowerment, apprised the participants that the revised Transgender Persons (Protection of Rights) Bill, 2016, is presently pending in the Parliament (Lok sabha) after it was approved by the Cabinet. The Ministry had incorporated most of the recommendations made by the Standing Committee. The revised bill is not yet available for public view and it will be available once the decision is taken on the bill by the Parliament.

7. Smt. Uma Mahadevan, Principal Secretary, Department of Women and Child Development, Karnataka, elaborated the 5 elements of the Karnataka State Policy on Transgenders 2017, to address the issues related to the community. She informed that the Department has been seriously working on developing welfare programs for economic empowerment and rehabilitation of transgender community since 2013. The welfare schemes have covered approximately 3000 transgenders at present. Around

32000 transgender persons have been given voter I-cards. The transgender policy has been inclusive in its approach and has been drafted in consultation with people from the community and complies with the NALSA Judgment. Karnataka also has a Transgender Cell which meets every two months to discuss the issues and challenges pertaining to the transgender community. The awareness programs have been initiated in the state to sensitize the masses about the transgender community. These programs include; specific bullying program with relation to gender identity, sensitization through mass media and satellite entertainment such as tele-serials, as a source to spread awareness. The welfare schemes and programs aim towards an inclusive society.

8. Ms. Chayanika Shah, Labia- A Queer Feminist LBT Group, stated that the family violence is a very big issue. The lesbians below 18 years of age often face violence at home. She further stated, while sharing the particulars of cases/incidents, the doctors are not trained and they lack basic knowledge to deal with such cases. She stressed that the medical curriculum needs to be developed keeping the needs of lesbians and trans-men also in a holistic manner.

9. Shri Ashok Row Kavi, Chairman and Founder, Humsafar Trust, Mumbai, apprised the participants that there are 7 states which have passed a resolution for not allowing sex education in the schools of their state. In such a situation, how can there be any meaningful awareness generation on sensitization of public at large.

10. Shri Harish Iyer, Advisory Board, MINGLE, stressed the need for protocol on sex education and teacher training which is a must. Training and awareness is essentially required. Education in schools, text books, curriculum to be revised and changed. Police attitude needs to be changed and safe spaces need to be created.

11. Ms. Laxmi Narayan Tripathy, Mahamandaleshwar of LN Tripathy Kinnar Akhara, stated that medical fraternity should follow WHO report for sex re-assignment therapy. Work place policy needs to be inclusive of LGBTIs. Non-discriminative policy should be formulated. Housing policy also needs to be drawn in order to address the problems of LGBTI.

12. Siddhartha Narain, Gay rights Activist, stressed on the extortion, blackmail and bullying faced by the LGBTI community. He further stated that the human rights violation of intersex members must also be taken into consideration. He was requested by the Chair to send a note on inter-sex issues, to which he agreed.

13. The major recommendations emanating out of the meeting are as follows:

A. Inclusive Approach

- 1) Awareness programs may be formulated with the help of mass media and satellite programs to sensitize the people towards the LGBTI community. Mainstreaming of the LGBTI community is crucial since they are highly stereotyped in media and entertainment industry and as a consequence, face discrimination and harassment.
- 2) A mass level sensitization drive among the public towards the LGBTI community is pertinent. Training programs must be conducted to help address the preconceived notions about the LGBTI community based on biased values and orthodox beliefs. This will help to provide safe public spaces to the community to seek meetings and activities away from the threats and violence.
- 3) Schools curriculum should be more inclusive and must include sex education as part of the curriculum. Sexuality and gender education will

help spread awareness and sensitivity towards the children and curb bullying and teasing in schools towards the LGBTI community.

- 4) Existing housing schemes must be inclusive and give reservation to the transgender or other identified categories. This will help to mainstream the community and bring cohesiveness for the betterment of the society.
- 5) The existing policies/Laws with relation to adoption, surrogacy and inheritance of property must be made equally applicable to man, woman and transgenders.
- 6) The rights of the intersex must be given serious consideration. When intersex children are young, a surgical procedure is usually performed by the doctors after taking consent of the parents. A guideline must be formulated for the doctors performing surgeries taking ethical consideration in the purview.

B. Medical and Health related Issues

- 7) Doctors must be sensitized towards the issues and challenges related to trans-men and trans-women. There is no unified protocol for the doctors to follow with terms to sex reassignment surgery. Medical facilities should be provided keeping in view of the needs of the transgender community.
- 8) Medical health professionals must be trained towards dealing the issues related to the Lesbians, Bisexuals and Trans-men, since there is not much awareness about this particular community. The major problems faced by gay men and women are related to health and mental health.
- 9) Antiretroviral therapy centres (ART) should be inclusive in their approach and must not discriminate among heterosexuals and MSMs.

Government **Antiretroviral** therapy centres (**ART**) do not treat MSMs (Men who have sex with men) with HIV and give preference to heterosexual couples.

C. Domestic/Family Violence

10) It is crucial to plan and implement how to best integrate the existing preventive measures of family violence to ensure that they are inclusive and demonstrate an intersectional approach to primary prevention.

D. Employment Opportunities

11) Employers must encourage the transgender & identified categories to apply for the jobs in their job advertisements. An equal opportunity should be provided during job interviews regardless of gender identity and sexual orientation.

12) A safe working environment should be provided for the transgender & identified categories community in all public/private sectors.

13) A non-discriminatory policy should be formulated to propagate inclusive working environment. The workplace policies must ensure to promote respect for people across all gender, sex and sexuality spectrums and must not tolerate disrespect towards any group.

The meeting ended with the vote of thanks to the Chair.

List of Participants

1. Mr. Ashok Row Kavi, Chairman Founder, The Humsafar Trust, Mumbai
2. Ms. Laxmi Narayan Tripathi, Transgender Rights Activist, Mumbai
3. Ms. Shree Gauri Sawant, Founder, Aajicha Ghar, Raigad (Maharashtra)
4. Dr. Piyush Saxena, Founder, Salvation of the Oppressed Eunuchs, Mumbai
5. Mr. Harish Iyer, Advisory Board, MINGLE, Mumbai
6. Ms. Anjali Gopalan, Founder and Executive Director, Naz Foundation
7. Ms. Rudrani Chettri, Mitr Trust, New Delhi
8. Ms. Rani Patel, President, Aarohan, New Delhi
9. Mr. Aryan Pasha, Trans-Men Rights Activist, New Delhi
10. Mr. Atharva Nair, National Transgender Hijra Kinnar Association, Mumbai
11. Ms. Chayanika Shah, Labia-Queer-Feminist LBT Group, Mumbai

Special Invitees

12. Mr. Siddharth Narrain, Gay Rights Activist, New Delhi
13. Ms. Uma Mahadevan, Principal Secretary, WCD, Govt. of Karnataka
14. Ms. Savita Singh, AOR, Supreme Court, New Delhi

Representatives of the Union Ministries/Government Bodies

15. Shri Surendra Singh, Joint Secretary
Social Defence Division, Ministry of Social Justice and Empowerment, New Delhi

NHRC

16. Smt. Jyotika Kalra, Hon'ble Member, NHRC
17. Shri Ambuj Sharma, Secretary General, NHRC
18. Shri Dilip Kumar, Joint Secretary (T&R), NHRC
19. Smt. Chhaya Sharma, DIG, NHRC
20. Dr. M.D.S. Tyagi, Joint Director (Research), NHRC
21. Shri. Sasidharan C.P. Nair, Research Officer (Consultant), NHRC
22. Ms. Surabhi Awasthi, Junior Research Consultant, NHRC
23. Ms. Pritika Sejwal, Junior Research Consultant, NHRC
24. Mr. Akshay Sinha, Junior Research Consultant, NHRC
25. Ms. Rimanshi Goel, Junior Legal & Research Consultant, NHRC