

SOCIESC RIGHTS OF LGBTIQA+ PERSONS

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Abstract

LGBTIQA+ individuals experience vast socio-economic disparities due to discrimination in various socio-cultural situations. Criminalization of homosexuality leads to discrimination and inadequate access for LGBTIQA+ people to health services. Barriers to access to HIV prevention, testing and treatment services are also present. They gradually develop low self-esteem, low self-confidence and try to isolate themselves from friends and family. These people mostly turn to drugs, alcohol and tobacco to relieve themselves from stress, rejection and discrimination. To present information related to sexual orientation, gender identity, gender expression and sexual characteristics, using the SO/ GIE/ SC, "infusion" approach is very effective. People with diverse SO/ GIE/ SC need to know their rights and it can be helpful for others to treat everyone around them with full respect. As gender and sexuality can be hotly debated, the awareness about SO/GIE/SC rights create a common understanding of the language to be used in the environment. This paper intends to dwell into the SO/GIE/SC rights of LGBTIQA+ people.

Key Words: SOCIESC Rights, LGBTIQA+ Persons

Introduction

People around the world have the right to live a happy life with all the rights, free from violence and discrimination, equal treatment and opportunities regardless of gender, social status, and race. A crucial and internationally recognized approach to achieving this goal is to provide rights-affirming comprehensive SO/GIE/SC rights awareness. All people are treated equally and no individual is given a special status that can humiliate or exploit another person or group. According to Article 14 of the Indian Constitution, the laws of the country ensure equal protection to all people. Also, prohibition of discrimination (Article 15) prohibits discrimination in any manner. Article 16 provides equal employment opportunities in State service for all citizens, that is, no citizen should feel discriminated against in matters of public employment or appointment on the basis of caste, sex, religion, place of birth, and race.

What are the differences between gender, sex, and gender identity? It is common for people to get confused with sexuality, gender, and gender identity. But they are all completely different concepts. While gay pride parades, meet-ups and heated debates are all happening, LGBTIQA+ individuals in many parts of India are not even able to recognize their rights. In some places, honor killings also have happened which leaves LGBTIQA+ persons without money or social support to flee to some city under the cover of night. Hate crimes against LGBTIQA+ individuals are still ongoing in the country. In the case of women, rape is often prescribed to cure lesbians. The main factors leading to stigmatization of LGBTIQA+ people is their parents' reactions. Studies show that most people are accepted by their families only if they agree to

behave like heterosexuals. It is a regular practice for LGBTIQ+ individuals to be accused of mental illness when it comes to their families. Families who accept their identity impose many restrictions on dressing, socializing, and choosing partners. In the absence of family support, online groups and social media have offered accessible alternatives for forming a community outside the family. Platforms like Gacy and Galaxy and Queer Inc. Publishers such as these also help LGBTIQ+ individuals to communicate their issues and form a community to live collaboratively. It is important to protect the SOGIESC rights of LGBTQIA+ people to prevent any sort of discrimination they are facing. This theoretical study set out to answer the following research questions:

1. What does each letter mean in SOGIESC ?
2. What does each letter mean in LGBTIQ+?
3. What is meant by SOCIESC Rights ?
4. What are the SOCIESC rights of LGBTIQ+ persons

“SOGIESC An acronym for sexual orientation, gender identity and expression, and sex characteristics”(Jenn, 2020).

The phrase "sexual orientation" is used to describe a person's emotional, romantic, or sexual attraction to another person. Sex is an important concept that is fundamental to the existence of all living beings. Beyond the ability to reproduce, sexual orientation explains how we see ourselves as humans and how we feel romantic and emotional attraction to another person. Sexual orientation is divided into different categories. People who feel attracted to the opposite sex are called heterosexuals. In other words, a person whose biological sex is male attracted to a person whose biological sex is female or vice-versa falls in this category. Individuals who are equally sexually attracted to a person of the same sex and a person of the opposite sex are identified as bisexual. The category of Homosexual includes individuals who feel sexually attracted to people of their own sex. Individuals who are attracted to others based on personality alone fall into the category of Pansexual, while Asexual refers to a group of people who are not sexually attracted to others. Sexual orientation includes a person's feelings and sense of identity; It may not be something that others recognize. Gender identity is used to describe the internal sense in which a person self-identifies, male or female. Gender expression is how a person presents their gender identity to others through "male" or "female" behavior, dress, and other external personal characteristics. A person's gender identity may or may not match with their biological sex at birth. For example, a transgender person's gender identity does not match his or her birth sex. A transgender person may have been born male when examined anatomically, but may have a gender identity as female psychologically. A cisgender person's gender identity corresponds to their birth-assigned sex. For example, a person who is male at birth identifies himself as male and lives as such. The sex characteristics refer to the physical characteristics of each individual associated with sex, including sex hormones, chromosomes, genitalia, gonads, and secondary physical characteristics that occur at puberty.

The above-mentioned SOGIESC criteria form the basis for LGBTIQ+ classification. LGBTIQ+ is an acronym for Lesbian, Gay, Bisexual, Transgender, Intersex, Queer and

Asexual. Also, individuals with different SOGIESC who describe themselves using any other term not included are represented by a plus sign. A lesbian is a woman who feels physical and emotional attraction to other women. Similarly, the term gay refers to men who feel this attraction to another man. A bisexual is a person who can develop emotional attractions with people of the same or other sex. People may experience this attraction in different ways in their lives. Transgender is a term that represents a group of individuals whose gender identity differs from the sex assigned at birth, usually in the sense of identity. Intersex refers to a person born with reproductive anatomy different from the definitions of male or female. Questioning or queer refers to those who question their gender identity and gender orientation, who do not want to stick to the terms "woman" or "man". And asexual refers to a person who does not feel sexually attracted to another person. As mentioned earlier, the + sign is used to add all categories that are not included in any of the given terms.

Diverse SOGIESC is an inclusive term for people outside the mainstream society who exhibit various sexual orientations, gender identities, gender expressions and sexual characteristics. SOGIESC persons have all the rights and all the responsibilities of any ordinary citizen. Among the SOGIESC rights, the most important is equality before the law. Every person should have equal rights and legal protection as offered by the governing structure. This applies both to the protection and the penalty for wrongdoing. There must be freedom to express one's identity, to live as a family, and to choose food, religion, and dress, and legal recourse for violations thereof. Another important right is the right to education and employment. Discrimination on the basis of SOGIESC factors of an individual is not desirable in any educational institution. Every person has an equal right to study, get a job and live a quality life. Stereotypes and discriminations based on gender should be avoided from workplaces and educational institutions. All persons have the right to travel and find accommodation in a new place. Denial of accommodation or cancellation of travel based on someone's SOGIESC orientation is a violation of their rights. Key to this is ensuring the right to live and travel with one's partner or family. As human beings, everyone has the right to health care. Age, gender and socio-economic background should never be a barrier to it. Human rights fundamentally include the right to health. To ensuring everyone has access to good physical and mental health is one of the priorities of the World Health Organisation (WHO). LGBTIQ+ persons in particular should receive this protection equally. It is also necessary to pay more attention to their mental health when they have to go through many situations like sex reassignment surgery, hormone treatment etc. In addition to all the general rights prescribed by the Constitution, special consideration should be given to persons expressing different SOGIESC and efforts should be made to bring them to the limelight till the society accepts.

The Delhi High Court and the Supreme Court have dealt with the rights of the LGBTIQ+ community in some of their judgments. Focusing on the right to equality under Articles 14 and 21, the Court has highlighted the rights of the LGBTIQ+ community based on their religious beliefs against discrimination and human trafficking under Articles 15, 19, 23 and 25. A study by the National Organization for Human Rights found that about 99% of transgender people had experienced social rejection on multiple occasions. The solution to this is the TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019. Apart from

protecting them from sexual violence, it also emphasizes that a transgender certificate should be issued to any person who applies for it (*Country Report on SOGIESC Rights In India*, 2022). Several studies are underway to identify the issues faced by LGBTIQ+ individuals in society. Kerala is the first state in India to frame a welfare policy for the transgender community and in 2016 the state government introduced grants for free gender reassignment surgeries in government hospitals. The Kerala High Court' directed to include sex education in the school curriculum to create awareness against sexual violence. Laws and organizations exist here to encourage them to work, study and experience better services without discrimination in employment and education. They can legally deal with derogatory words or looks based on dress, body language, etc. And their basic rights include being able to meet their basic needs such as shelter and food.

Conclusion

There have been various developments in the last decade on the rights of LGBTIQ+ people. Many people have been openly able to identify themselves as LGBTIQ+ and the acceptance of LGBTIQ+ people in the society has improved. But LGBTIQ+ people are not still recognised as equal in most of the educational, employment and public institutions. Though the Indian constitution formed in 1950 promises equal rights for its citizens, cases like preventing sexual changing surgeries and giving punishment for involving in sex with consent among homosexual people has happened in few states in India. Also, SOGIESC rights like the right to live in a person's self-identified gender, find a partner and live as a family, the right to respond to discrimination based on criteria such as dress, body language, health care, education and the right to use public services enables LGBTIQ+ individuals to develop self-esteem and contribute to societal progress.

Reference

1. Country Report on SOGIESC Rights In India: An Unfinished Agenda. (2022, April 19). ILGA Asia. <https://www.ilgaasia.org/publications/india-country-report-an-unfinished-agenda>
2. Horn, R., & Kerasidou, A. (2016). The Concept of Dignity and Its Use in End-of-Life Debates in England and France. *Cambridge Quarterly of Healthcare Ethics*, 25(3), 404–413. <https://doi.org/10.1017/S0963180116000050>
3. Jenn, R. (2020). Introducing SOGIESC Information into Pre-Departure Orientation Curriculums. <https://www.iom.int/sites/g/files/tmzbd1486/files/documents/SOGIESC-LGBTIQ-Messages-for-Pre-Departure-Orientation-Curriculums.pdf>
4. McHenry, T. (2013, December 5). Carrying on the work of Nelson Mandela. CNN. <https://www.cnn.com/2013/12/05/world/iyw-mandela-charitable-legacy/index.html>