

Human Diversity-Friendly Local Self-Governments

A Lobby Note for Integration of LGBTIQ Rights and Demands into the Local Governance Framework in Kerala



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This note emerged out of a series of discussions among members, activists, and representatives of the organizations of LGBTIQ people in Kerala, along with others who share their concerns, initiated by the Research Unit on Local Self-Government at the Centre for Development Studies, Thiruvananthapuram, Kerala. This note does not have a single author. It is authored by all people who contributed actively to our discussions. Heartfelt thanks to all who helped us in this process.

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[For the Research Unit on Local Self-Government]

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Approach

The LGBTIQ community, undoubtedly, is the most prominent among highly-marginalized social groups in Kerala which have recently shed the mantle of darkness and gained visibility. Though the violence and humiliation they have faced across many centuries still prevent them from living open lives, in recent times it appears clear that they are not small in number. But even though most members of this community are suppressed and denied their rights, a small section of this community, namely the TGI members, have gained legal recognition. The Kerala Government is also showing interest in the rights of the LGB groups as well. In this context, we attempt to think of ways to include the LGBTIQ people in the framework of Kerala's Panchayati Raj. We try to see what changes need to be made to make the framework more inclusive, and what can be done within the existing framework. Also, we think collectively on what may be done in concrete terms in the local self-governments for these people.

Introduction

The historical experience of Kerala of the twentieth century, described as unique by scholars of development and politics across the globe, may be encapsulated perhaps in one word: democratization. In the twentieth century, we saw social norms which had sanctioned the worst-imaginable forms of oppression being upturned or transformed into modern forms of inequality to make space for articulations of democracy, with the 'people' replacing royalty or caste aristocracy on the arena of power. Welfare – in education, health care, and other vital aspects affecting human well-being – which had been promoted by the non-democratic regimes before independence was transformed from royal charity or duty to nearly a right that the 'people' could expect from the government. So in the immediate post-independence decades, Kerala saw the massive spread of basic education, health care and other forms of governmental support for the poor, which ultimately produced results in improving the quality of people's lives here significantly, despite the lack of economic growth in these decades.

The political framework of this achievement has been described by Amartya Sen as 'public action'. In Kerala's context, this refers to the way in which pressure builds up in and from the public which forces the state to concede welfare gains to people. In Kerala, throughout the middle decades of the twentieth century, one finds consistent demands being made, from the local levels upwards, for schools, dispensaries, and other facilities, by a whole variety of local civil and political organizations, ranging from political party

organizations to village libraries, youth groups, and social service organizations. In other words, the gains in welfare and well-being were not just from top-down grants and initiatives, but from publicly-expressed bottoms-up demand.

Political decentralization in Kerala of the 1990s has been often hailed as a continuation of this earlier legacy of public action. Undoubtedly, this was a step that has created a system of distributing welfare perhaps more efficiently than elsewhere in India, and more transparently, because of citizen's forums like the Gram Sabhas. It has also the credit of setting up well-funded local self-governments with significant powers, many of which are unavailable to PRIs in other parts of the country. The LSG system in Kerala is also uniquely associated with the huge network of Kudumbashree SHGs which form a civil society of sorts, shaped by the government for the purposes of welfare distribution and extension.

However, if LSGs in Kerala are to be true inheritors of the legacy of the earlier phase of public action, it must necessarily be *dynamic* – that is, to say, be capable of listening to the voices of marginalized groups, and extending welfare to more and more excluded sections of society. Needless to say, as society changes, the margins of society also change, new groups deserving support may emerge, and many of these may find voice precisely through such emergence. In contemporary Kerala, we find many groups that lacked a face and voice in the 1990s, when local self-governments came into existence, which have now acquired a public face and voice demands. Of these, the Transgender-Intersex (TGI) people, and the Lesbian-Gay-Bisexual-Queer-community¹, who have been stigmatized and marginalized on account of their gender and sexualities by the heterosexual mainstream, are a major presence today. Precisely because they lacked voice in the 1990s, these communities had no interface at all with the LSGs in Kerala and remain totally excluded from it to this day.

The members of this community are mostly still hidden, because they face considerable prejudice from society, when they reveal their different preferences and identities. The community, therefore, negotiates life almost on a day-to-day basis given the lack of

1. There is significant ongoing research on gender and sexuality. While researchers have been unable to point to a single determinant as the basis for sexuality, most researchers agree that a combination of genetic, hormonal and social factors determine one's gender and one's sexual orientation. Genetic characteristics such as genes, prenatal hormones, and the brain structure, together determine gender and sexuality. This is causing many societies to place less emphasis on a strictly binary categorization of human beings and on heterosexuality (a normative system typically supported), gradually recognizing that there are more than two gender identities and that within this spectrum, human beings have different sexual orientations - namely heterosexual, homosexual, bisexual, and asexual orientation.

understanding and support from the public and the predominance of the mainstream exclusionary narrative about the community. It may appear that lesbian, queer, and gay people suffer less from prejudices and violence than the TGI people because they can conceal their sexuality, and that the TGI people face much more severe discrimination, since their gender identity is more evident and difficult to conceal. However, this is a mistaken notion, as concealing their sexual preferences is widely cited as an immense source of fear and tension that pushes up the stress levels and insecurities endured by lesbian, queer, and gay people. They are also equally prone to violence especially because of certain stereotypes about the physical appearance and behaviour of lesbian and gay people widespread in society. It is true that many gay and lesbian individuals have managed to attain higher education and through it, a better life. But there are thousands of these groups in Kerala who have not been able to better themselves thus. The relatively better-off among the gay and lesbians do not need the welfare support from the government. But they still need protection, justice, and life free from homophobia.

In this note, we try to argue for the ways and means through which such an interface for inclusion may be built for the TGI and LGBQ people, whose human rights as Indian citizens have been continuously and grievously violated since many centuries. The PRI institutions in Kerala have displayed considerable dynamism in responding to social change in the past two decades since their inception, especially in the domain of welfare. For example, senior citizens were not a very visible group in the public during the mid-1990s. However, as population ageing has begun to reveal its impacts in Kerala, the PRIs and the Kudumbashree have begun to respond to sections of aged people who deserve support through programmes that enhance their public voice and access to vital resources. Therefore, it is only in the fitness of things that highly marginalized and oppressed groups, the TGI and LGBQ, are brought into visibility and endowed with effective voice in and through the PRIs in Kerala.

Context

Three important aspects of the contexts may be discussed here: firstly, the prevailing atmosphere of trans-phobia and homophobia, which refers to the irrational fear of TGI and LGBQ people among the cultural mainstream, and secondly, the recent initiatives from the organized sections of these people and the state, to claim their human rights through voice and action. The third is the legal developments which have brought the demands and challenges faced by the TGI and LGBQ communities into public debate in recent times.

Very often, these phobic attitudes are attributed to either 'traditional conservatism' or to 'foreign influences'. Neither of these claims is sound. First, there is evidence from the 19th and 20th centuries of the presence of same-sex desire in communities that were relatively untouched by Western influences. In other words, these desires are by no means a 'foreign infection'. Secondly, there is plenty of evidence for example to show that there were many forms of marriage which did not conform to the current form of conjugal marriage—especially among matrilineal communities – and even 'marriage' between two men as a valid, socially-acceptable and supervised, form of union. For example, the historian K P Padmanabha Menon, in his History of Kerala (vol.3, AES reprint,2001, pp.498-500), mentions the institution of male 'friends' entering into a marriage-like union among certain communities. Irrespective of whether these models are suitable today, the point is that 'traditional social life' in Kerala was not limited to one single form of conjugal or family life. There is now ample scholarship that shows that it is the rise of Brahmanical values filtered through Victorian ideals of morality, gender, and marriage which were imported here through British colonialism, that led to acceptance of conjugal heterosexual marriage as the only valid form of union. With this, non-conforming people were stigmatized as 'anti-natural', 'sinful', and so on. There is evidence that shows that in modern education institutions in the early 20th century, other sexualities were policed and suppressed as 'against nature'.

However, this does not mean that the pre-modern social order in Kerala was fully accommodative of non-heterosexual people. Though in kinship and family arrangements there was much diversity (as mentioned above), heterosexual relations were still conferred greater respectability. Only that what was exceptional to these were not always condemned, suppressed, and driven underground. We often hear that the Brahmanical order was more tolerant of them because in the myths and legends of Brahmanical Hinduism, Gods and celestial beings of other Yugas had fluid genders and sexualities (most commonly known today of course in the legend of Lord Ayyappa's birth). It is also true that the depictions on the walls of many temples do not conform to Victorian morality. However, it must be remembered that these are strictly limited to Gods and celestial beings and not made available to human beings who must toil under the yoke of karma. So, while there is evidence that homosexual desire was present and not always violently suppressed in Hindu and Muslim communities at least, this was not strictly open and sanctioned. Many other reasons existed for homosexual desire to be more easily, if not openly, fulfilled in those times – for example, men and women were often strictly segregated, and each family had a large number of children, which

meant that even if all children did not enter into procreative marriage, families would still reproduce in the next generation. In Kerala, transpeople lack even the visibility that they had in traditional orders elsewhere in India. Historically, Kerala has lacked the court culture that gave relevance and space to transpeople elsewhere.

In other words, the TGI and LGBTQ people have been victimized and hounded by mainstream culture and society in Kerala, even as non-heteronormative sex was allowed to persist in the nooks and corners of society. Even this limited tolerance began to ebb with the arrival of Victorian values in colonialism. The lack of face and voice of these groups continued throughout the 20th century. Section 377 of the Indian Penal Code, which was the product of colonial rule, in 1860, and which penalized 'anti-natural' carnal intercourse, was retained even after Indian independence and widely used to criminalize same-sex desire. The invisibility of TGI people continued, and as their sources of livelihood declined, they plunged steadily into dire poverty and social isolation.

It is only recently that these communities have begun to organize and demand their rights, and specifically in Kerala, it is the new millennium that witnessed such mobilization. The context of global AIDS-control brought a measure of visibility to these groups in the early years of the new millennium, and later legal developments at the national level were in response to the activism of these groups at national and regional levels, bolstered by global advocacy in and through UN and other agencies. At the national level, in 2009, the Delhi High Court held that Section 377 violated Article 21, 14, and 15 of the Indian Constitution as it rendered private and consensual sexual acts of adults criminal. The Supreme Court soon reinstated this judgment, but it generated a context for widespread discussion about non-heteronormative sexualities and the building of public opinion against Section 377. By these times, public events, especially Pride Marches, has become annual events in Kerala and other cities in India thanks to the determination of the organized sections of these communities to find a face and voice in the Indian public. Also, the depictions of same-sex desire in Malayalam literature and cinema, however inadequately, added to the presence in public. Later, the anti-fascist, anti-moral policing struggle Kiss of Love, which projected same sex love along with other kinds of love, gave considerable visibility to hitherto stigmatized gender and sexual identities.

The Honourable Supreme Court of India (vide Judgment dated 15th April, 2014) has firmly established the right to equality and equal protection for transgender and intersex persons (TGIs) under Articles 14, 15 and 16 by prohibiting discrimination on the ground of gender identity. It has expanded the scope of the term 'sex' in Articles 15 and 16, which

till recently referred only to binary genders of male and female, to include TGI as a third gender (though the community has chosen not to be called 'third gender'). The Court has unequivocally declared that TGIs cannot be discriminated against on the ground of gender. With this, members of the TGI community could claim the right to self-identify, and other constitutional rights as Indian citizens. The SC also ordered the Central and State governments to grant legal recognition of the identities of transpeople, treat them as socially and educationally backward classes and extend reservations in education and public employment to them. Kerala became the first Indian state to announce a policy aimed at the TGI community on 12 November 2015.

The Department of Social Justice (SJD) of the Government of Kerala (GoK) had meanwhile, even before the Supreme Court decision, taken a progressive stance and initiated a survey to better understand the needs, priorities, and aspects of TGI social, economic, and personal life. (The survey is appended to this document.) The survey questions covered several areas including awareness about one's body, civil rights, self-esteem, access to health services, and ability to live with dignity and without violence. It also included a general section to better understand their expectations, needs, and priorities. Based on the accepted snowballing techniques, the survey estimates the presence of more than 25,000 TGIs in the state. It took several months to conduct the survey, which was conducted by a set of 80 community members led by the NGO Chilla, and in close collaboration with Bangalore-based Sangama. More than 4000 self-identified TGIs responded to the survey of which the team could utilize about 3600 responses. The survey showed the tremendous bias and prejudiced faced by this group, and this recognition resulted in the policy for TGIs. For example, it showed that about 68% of TGIs had attempted suicide due to depression or other such reasons. Most importantly, they seem to have had no connection whatsoever with democratic institutions in Kerala including the LSGs.

To stress the point, there can be little doubt, from the survey, that the TGI respondents do form one of Kerala's poorest groups. In the three major categories of work available to employed TGI respondents – daily laborers, private sector workers, and dancers – 98, 94, and 89 per cent earned below 10,000 rupees, putting them below Kerala's poverty line. In all, 92 per cent of the samples earn below the poverty line, and 61 per cent earn below rupees 5000. Seventy-five per cent of them had to hide their TGI identity for fear of harassment and job loss. The fact that a very large number of TGI respondents reported rejection and even violence from their families and their inability to reveal their sexual identity to their families shows the extent of social and economic insecurity those

members of this community face. The drop-out rate from school of TGI people as revealed by the report is shocking indeed: 59 percent drop out before the Tenth Standard, and 71 percent before Twelfth, because of harassment, humiliation, and intimidation. Experience of sexual violence and humiliation, including rape and defamation, are highly reported. The exclusion from health care is also unforgivably severe, and not surprisingly, mental health issues are frequently reported. From the survey it is also clear that TGI people are almost totally excluded from a public life, starting with the tremendous hardship in securing identity papers and the possibility of violence from even public authorities.

While this survey received a great deal of public attention, the earlier work of different LGBTQ organizations in Kerala such as Sahayatrika and Queerala had already brought a number of key issues into public debate here. The earliest public conversations on the violence against same-sex desire in the state was documented and exposed by Sahayatrika's documentation of the suicides of young women, couples, hounded by families and communities, and left with no resources whatsoever to begin a life outside these mainstream institutions. These had also revealed the shocking extent of human rights violations suffered by the LGBTQ community. The completely erroneous depiction of same sex love and non-conforming gender identities in public discourse, even in 'progressive' circles was also tracked and criticized by activists and organizations early on, which brought to light an important area for urgent intervention: culture and public discourse. Though no survey is available, the work of the NGOs representing them indicates that the community is not small at all. They have documented a sizeable number of persons who have had to abandon education and family security from fear of violence and humiliation, leave jobs due to harassment of different sorts, and live under insecure conditions which take a toll on mental and physical health.

So it is important to accept that the LGBTIQ people are not few in number; they are actually a much bigger group, but which is forced into silence because of widespread trans- and homophobia. Hence, there is a need for measures to help the members of this community to enter society and live as full citizens, and also for persistent and effective campaigns against trans- and homophobia. Even if the numbers of LGBTIQ people who publicly advance demands and claim rights may be fewer under present conditions, creating a conducive atmosphere through generating an empowering discourse for them will encourage more and more of them to claim their rights publicly.

There is reason to think that the pressures to conform to mainstream gender and sexual

norms may have increased in Kerala in the present post-demographic transition phase, when each family has much fewer children. That is, given that families have only one or two children, they are more likely to insist that these children conform to acceptable and mainstream sexual and gender identities and even apply force to ensure that. This however will only lead to the destruction of mental and physical health of young people, something that an ageing society like Kerala can ill-afford. From the work of the LGBTIQ NGOs, it appears that fleeing Kerala for metropolises in other states is a common strategy adopted by many young gender and sex non-conforming people. Within limitations of the data, the TGI survey revealed that the overwhelmingly greater number of TGI respondents were below the age of 40. Though this cannot be read as meaning that more TGI people are younger than older, it may well be concluded that the larger number of TGI people who are ready to receive public support (evident in their willingness to participate in a government survey) are young. Given our need to retain young and skilled labour in Kerala, it appears that the LSGs need to play a greater role in ending transphobia and homophobia, besides creating conditions under which the TGI people may claim their rights as full citizens.

The rights-based State Policy for Transgenders, which covers Inter-sex persons also (together referred to as TGIs) firmly established TGI people's right to equality and equal protection for transgender persons (TGIs) and to live free from discrimination on the ground of gender identity. The TGI Policy supports the attainment of

- A just society where men, women, and TGIs have equal rights to access development opportunities, resources, and benefits;
- The right to live with dignity and enjoy a life free from all forms of violence;
- The right to freedom of expression in all matters that affects them; and
- Right to equal voice and participation in key development decisions that shape their lives, communities, and the state. (the TGI Policy is appended)

More recently, the GoK has prepared a bill to be presented to the legislature seeking to abolish Section 377, a vestige of old British values resulting from the Victorian era. It is a precursor to ensuring equal rights for the LGBs. Thus, given the positive approach to LGBs by the GoK, and their stated desire to expand the TGI policy to cover LGB people too, henceforth this note refers to LGBTIQs as a group, noting the differences wherever relevant. The action points relevant to the LGBQ community are mostly related to ending homophobia, safety from violence and coercion, and public education about sexuality

and diversity only because their official recognition is still in process.

Realizing rights and demands and fighting prejudice through the PRIs in Kerala

Given the highly decentralised setting in Kerala, top-down measures such as policies, while essential are not sufficient by themselves. Policies are necessary in the sense that they foster broader acceptance by the public of such progressive measures and provide a framework within which related actions can be implemented.

At the outset, we would like to state that the implementation of the present TGI Policy accepted by the government is in a very poor state. It has lagged quite unfortunately, despite the interest shown by the present government. We, therefore, demand that the TGI Policy must be implemented effectively and swiftly in the state, with no further delays or bureaucratic lags.

However, one reason for this unfortunate situation is that the TGI Policy tends to be top-down, as it depends on the higher echelons of the government for its implementation. A bottom-up approach is, however, essential in this case, where mind-sets must be changed amongst the public. This has been clearly demonstrated by the two-year experience with the Policy for TGIs. One important way in which this can be addressed is by ensuring institutionalizing systems, processes, and programs to provide spaces for LBGTQIs to engage as equal members of the community. These will include Local Government Units (LGUs), such as Gram Sabhas, where currently the LBGTQI people face significant prejudice and bias. Only institutionalisation and engagement of the community will ensure an inclusive development that will allow LBGTQI members to fully enjoy their political, social, and economic rights. For this, a strong interface is essential so that LGUs may translate the unique needs and priorities of the LBGTIQ community into concrete measures at the local levels, as well as greater awareness at these levels. Such a bottom-up approach is also more sustainable and likely to lead to much greater development effectiveness.

The GoK has also been encouraging events to promote the visibility of TGI people (like the just-concluded TGI Athletic Meet), fellowships for TGI students, and by allocating funds of Rs 10 crore in the State Budget, for pensions. That the former government too allocated an amount to the TGI community in its budget of 2016-17 (which was not really utilized to the community's advantage) shows how this community is being noticed across political differences. The guidelines for local level planning also suggest that LSGs take up projects that benefit the TGI community. Kudumbashree too has been forming SHGs of transgender people in different districts. In short, an atmosphere conducive

to ending the marginalization of these people seems emergent in Kerala to a limited extent at least.

Below, we offer a framework that may help local government units and the LGBTIQ community to ensure a broad range of activities and support measures that will respond to the needs and priorities of the community. It also aims to propose an institutional framework at the local levels to ensure more inclusive development. CDS is only offering support as an intermediary between the community and local governments to help empower the LGBTIQ community and network to become a rightful group in the local governance framework, through their involvement in designing and implementing projects and activities to achieve the results desired in the framework.

Four major demands/goals emerged from the above-mentioned discussions as most vital to the community's welfare:

- **Right to Dignity and Life without Violence**
- **Equal Access to Health Care, Education, as well as Social Security**
- **Equal Access to Economic Opportunities and Resources**
- **Equal Voice and Participation in Decision-Making that Affects the Community.**



Based on the discussions we propose the idea of 'Human Diversity-friendly LSGs,' by which we mean local bodies with the following characteristics:

- (a) LSGs that institutionalise representation, structures, and systems to ensure that TGI citizens are provided a safe and secure space, where they have equal access to services, and where they have a positive role in decision making in the community.
- (b) LSGs that in creative and active ways, increase awareness of the general public and other relevant stakeholders at the local level to the fact that the LGBTIQ community members are equal citizens, with equal social, economic, and political rights under the Constitution.

To realize these LSGs, the six points of intervention mentioned below are important:

- (a) *Strengthened Local Governance* through sensitizing the LSG staff about the depth and sensitivity of the issues facing this community and institutionalizing within the local governance frameworks, systems, processes, and measures that will give the community a legitimate and sufficient space to articulate their priorities and concerns that are reflected in the local development plan.
- (b) *Sensitized local level community* including parents/ employers/ school and health authorities/ district administration through different methodologies such as workshops, discussions, road shows, awareness campaigns, school competitions, and other methods.

- (c) *Strengthened knowledge of the LGBTIQ of their own rights*, and ensure better access to information, skill building efforts, and resources so that they can enjoy the socio-economic benefits available for them.
- (d) *Economic empowerment of TGLs* through formation of self-help groups and providing vocational training and capacity building of the youth and unemployed section of the community.
- (e) *Sensitized Service Delivery Staff*, particularly in health, education, and legal services to ensure that the TGI people get equal access to services as others do, and can enjoy the right to dignity and live without violence & that they also have the right to freedom and expression.
- (f) *Network-building through formation of local level networking committee* at village and district level, between a variety of relevant stakeholders, and community-members.

Below we present a list of activities and measures, developed within the above framework for institutionalising actions to protect the rights of TGLs and others at the Local Government levels. The action plan mainly covers TGLs as required under the current Government policy for Transgenders. It also includes measures to raise awareness on LGBTIQs so as to ensure an inclusive LSG that would provide a space for the entire community. *It may be noted well in advance that the measures below are not all implementable at the level of the local government – some of them have to be pursued by the state government, and others, by the Depts. of Social Welfare and Local Self-Government. Some may be best taken up by the Kudumbashree.* An action plan which gives more details on this is appended to this document.

Besides the two mentioned above, the Human Diversity-Friendly LSG will have the following three features as well:

- (a) Takes all steps to institutionalise structures, systems, and processes for the engagement of LGBTIQs and provide them with a space in the local governance framework as much as possible within the present governance framework. When decisions are made from above, it will implement them speedily.
- (b) In addition, the model LSG must implement a selected action from each of the other dimensions during the first year of operation, increasing it to two in the subsequent year.
- (c) Ensures that all training, counselling, and preparation of materials for campaigns, as well as the leadership of these, is by TGI and LGBQ people.

- (d) Takes a more inclusive view of the idea of 'security', by acknowledging that female-to-male transpeople are equally or more vulnerable than male-to-female transpeople.

Institutional Arrangements for Policy Implementation at the LSG level

1. Issue of the necessary directives to all LSGs to ensure the inclusion of TGI in Application forms as per directions of the Supreme Court and GoK Policy.
2. Correction of language in all planning guidelines and manuals to ensure that TGI persons are included without harassment of any kind. The word '*Bhinnalingakkaar*' to be deleted from all documents, and 'TGI' used instead.
3. Taking up the issue of representation of the TGI community in the LSG Committee in the next round of electoral reforms regarding the PRIs, specifically, the possibility of coopting by nomination, a TGI representative to the LSG Committee.
4. Issuing a TGI Policy for all LSGs along with a handbook for LSGs to understand and handle LGBTIQ people along with an IEC Program covering all LGU officers including officers on the Community's rights.
5. Appointing a *Prerak* for the TGI community at the LSG level, at least at the District LSG who must necessarily be a TGI person.
6. Making awareness programmes against transphobia and homophobia a formal concern of the Welfare Standing Committee.
7. Including anti-transphobia and anti-homophobia awareness-raising formally among the concerns of the Health and Education Standing Committees.
8. Making mandatory the inclusion of a TGI member in the relevant Working Groups during LSG planning.
9. Authorizing the three members above to constitute a monitoring committee in the LSG to reduce anti-homo or anti-transphobia.
10. Mandating specific share of total resources available to the LSG for awareness-creation of gender fluidity. This may be through funding books on this topic in the local libraries and college libraries, holding workshops in local colleges, Ayalkkoottams etc., preparation of IEC material etc.
11. Ensuring the inclusion of a TGI member in the Jagrata Samiti (JS), and provision for mandatory constitution of the JS within a stipulated time if a victim of homophobia or transphobia demands it.

12. Establishing a consultative body within the Department of Social Justice that may be convened as and when necessary to deal with instances of violence and transphobic and homophobic attacks against LGBTIQ people.
13. A list of potential resource persons from the LGBTIQ CBOs and NGOs and prominent individual activists in the community to be generated by the State Planning Board/ Dept. of LSG/Dept. of Social Welfare vetted by the TGI Board and circulated to LSGs. The LSGs should be encouraged to choose experts for working groups from the list.
14. Including TGI category in all LSG surveys (correct the present exclusion).
15. Granting the option for TGIs to sit as a separate group if they so wish in forums such as Gram Sabha and Ward Sabha, by informing the LSG Secretary of it earlier. Special Gram Sabhas could be conducted by the District LSG for this community (so that a greater number can come together to make demands). Once the stigma is overcome and the TGI people have gained visibility, voice and space, this may be reconsidered.
16. Institute human diversity-friendliness as a key criterion while selecting local self governments for awards and other honours.
17. Include awareness about sexual and gender minorities and their needs and rights in the training for elected representatives given at the Kerala Institute of Local Administration (KILA). Prepare a module and a handbook which will address this issue scientifically.
18. Make the inclusion of a TGI member in the local self governments' Gender Resource Teams mandatory.

Economic Empowerment of TGIs

1. Self-employment grants must be available for TGIs to initiate income generating activities and counselling and training from Kudumbashree. Special provisions for female-to-male transpeople must be considered.
2. Special consideration to TGIs in renting space in buildings owned by local bodies to set up own income-generating enterprises/shops/training centres etc. Here too, special consideration for female-to-male transpeople must be instituted.
3. Special windows of training and special scholarships through government and private run ITIs, catering institutes, dance academies, fashion institutes, computer training, cosmetology , make-up training (both inside and outside Kerala), She Taxi

must be part of local government support for TGIs and BPL LGBTQs. They should either be included (in which case names like She Taxi may have to be altered) or fresh but similar initiatives for TGI people must be started.

Do away with the lower age for TGI people who have undergone SRS to apply for the pension, as they face serious health challenges. For the others, the age may be lowered from 60 to 55.

4. Aid to buy and learn to drive vehicles as a gainful occupation or for travel to and from work.
5. Offer incentives including reduced tax rates to private sector enterprises in return for offering work to TGI people.

Affordable effective health care and the right to access it with dignity

1. Place TGI desks in Taluk and District hospitals within a LSG to address several health issues faced by TGIs. Wherever government hospitals are either distant or not easily reachable, LSGs should enter into agreements with other hospitals to establish TGI desks.
2. Facilitate gender transition: (i) Inform TGIs about options available in relation to gender transition, (ii) LSGs should establish a fund for Sex Reassignment Surgery (SRS) in Government hospitals and Health Professionals must be trained in sex reassignment surgery, hormone therapy and other necessary medical skills associated with sex change treatment, (iii) Access to SRS, hormone therapy, with reimbursement from Karunya, (iv) Proper post-operative follow-up counselling and arrangements for support, should be given, (v) All hospitals conducting SRS to be issued appropriate treatment guidelines. Ethical committees to oversee treatment of TGI people undergoing sex reassignment.
3. TGIs should obtain free of cost health insurance schemes provided for the BPL category of Central or State Govt. TGIs should be enrolled in the GoK's Comprehensive Health Insurance Scheme.
4. Establish a counselling center in local bodies, especially District LSGs and urban bodies, as a pilot with qualified and trained personnel, ensuring confidentiality amongst counselling professionals, with strong sanctions for breach.
5. Mandatory anti-trans and homo-phobia sessions for all key functionaries at the grassroots such as ASHA workers and Anganwadi teachers. Since abortion of

foetuses thought to be Intersex is not uncommon, special training on preventing this for Anganwadi workers.

6. Establish access to a special hotline for LGBTIQ people with specially trained counsellors; especially a suicide hotline.
7. Advertise all grants and scholarships to TGI people prominently in the LSG premises.

Right to Dignity and Life without Violence & Right to Freedom and Expression

1. TGIs should receive ration food cards under Public Distribution System to obtain food at free/subsidized cost. Following the Tamil Nadu government, all TGI people may be given BPL cards and all benefits available to BPL population.
2. Landless and homeless TGIs should be able to access land or homes from any schemes for BPLs with special consideration. Equal consideration must be accorded to female-to-male transpeople.
3. Provide appropriate toilet facilities for TGIs in all public places, with appropriate signage. A model of a globally accepted signage has been appended to this note. If a more local version is preferred, it should be prepared in consultation with the TGI organizations.
4. Set up Safe Homes for TGI people subject to transphobia within the LSGs to ensure their safety. Also, let the TGI people undergoing SRS stay there for free till fully recovered. Equal consideration be accorded to female-to-male transpeople – there should be no assumption that they are less vulnerable.
5. Providing opportunities for enhancing TGI artistic skills as well as facilitating their participation in state and other festivals.
6. Identification facilities should be made available at the level of the LSG – by registering through SEVANA. A special application form for IDs for transpersons should be uploaded by the Information Kerala Mission, and online applications should be encouraged. Cross-checking, if necessary, should be done at the LSG level via Kudumbashree.
7. Hold local-level legal training for paralegals from among TGIs and Adalats to settle legal issues at the District LSG level. Offer free legal aid to TGIs.
8. Uphold the rights of TGI people to choose their dressing styles, explicitly recognising

it as a right. Raise awareness on this through public programmes.

9. Establish at least one LGBTIQ-friendly public space in every LSG.

Raising public awareness on gender and sexuality

1. Schools starting with the upper primary level should raise awareness to school students on gender and sexuality. Issue clear guidelines in school education on this issue.
2. Counsellors and school teachers should be given training for enhanced awareness on gender and sexuality related issues and to properly manage, help and guide gender non-confirming children. Thrust on reducing dropout rates must be maintained.
3. Include sexuality in the gender component of training currently being provided including doctors, lawyers, police, and other experts.
4. Issue a circular strongly prohibiting the police from harassing TGI people in any way. Sensitize police officers at all levels about TGI rights in several waves of training.
5. Clear and unequivocal instructions to all functionaries within their departments to ensure security of person and property for LGBTIQs and prevent them from being punished or harassed for cross-dressing and gender-specific behavior. Swift and appropriate action against public functionaries who engage in such harassment. Create clear policing guidelines pertaining to TGI people.
6. Anti-discrimination policies must be instituted and meaningfully implemented in the processes of hiring, retention, promotion and employee benefit schemes to ensure equality for all.
7. Through use of local NGOs or other community-based organisations help to strengthen networking between the community and other relevant stakeholders for spreading awareness on genders and sexualities.
8. Special effort to conduct cultural events giving awareness on non-conforming gender and sexuality such as film festivals and play-writing workshops.
9. Ensure that all training programmes are not only led and conducted by LGBTIQ individuals, but also include a sizeable presence of the community in the audience so that trainees are able to interact informally, directly and closely with them. This makes the removal of prejudices easier. Each training programme may thus be converted into a festival of human diversity.

10. Trainings on LGBTIQ rights should involve officials/elected representatives at the same level to be effective. Special attention should be paid towards including Revenue Department officials in such training. For example, include Tehsildars, LSG presidents/chairpersons, LSG secretaries, and Kudumbashree CDS Chairpersons, in the same training, and make sure that they interact with a sizeable number of community members informally during the trainings.

Besides this, the GoK should set up a Consultative Committee that must monitor the condition of the LGBTIQ people in Kerala, suggest fresh measures for their well-being taking stock of changing conditions, and expand the TG Policy for implementation at the level of local self-governments. A possible model for a GO for the same is appended.

Immediate interventions

While many of the above suggestions are possible only through moving higher levels of government, some interventions are possible within the present ambit of LSG authority. These are listed below:

- (1) Funds to build toilets already available with LSGs may be utilised to provide gender-neutral toilet facilities. Building new TGI friendly toilets may also be tagged to the MNREGS work, and these may be set up in public places in the LSG such as the LSG office, bus station etc.
- (2) Training in driving and financial aid for the purchase of autorickshaws and taxis may be made available for TGI people using funds already available.
- (3) Procedures may be simplified to offer financial aid for the construction of houses by TGI individuals who lack it.
- (4) Procedures may be simplified for TGI people to enable them to obtain licenses to start shops.
- (5) Funds for development of the youth available with the LSG may be used to conduct cultural festivals, film screenings, and other such activities to combat homo- and trans-phobia.
- (6) Initiatives towards self-employment through training and financial support in association with Kudumbashree.
- (7) Inclusion of a TGI member in the Jagrata Samiti.
- (8) Awareness about sexual and gender diversity for teenagers from the Balasabha funds.

- (9) Help to show available short films on LGBTIQ rights before regular shows in local cinema theatres.
- (10) Including LGBTIQ members in the LSG's everyday activities, such as Ward Sanitation Committees, which interact directly with local people on issues of common significance, to deepen their interaction with local society.

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A Rights-Based Action Plan for Transgenders in Kerala

Goals	Activity to Achieve Objective	Responsibility/ Govt. Dept./Agency
Institutional Arrangements for Policy Implementation at the LSG level	1. Issue necessary directives to all LSGs to ensure this inclusion of TGI in Application forms as per directions of Supreme Court as per GOK Policy).	Social Justice Department (SJD) Minister/ Secretary/ Director
	2. Correction of language in all planning guidelines and manuals to ensure that TGI persons are included without harassment of any kind. The word <i>Bhinnalingakkaar</i> to be deleted from all documents, and TGI used instead.	SJD and Minister
	3. Take up representation of TGI community in LSG Committee in the next round of electoral reforms regarding the PRIs, specifically, the possibility of co-opting by nomination a TGI representative to the LSG Committee.	Chief Minister, SJD Minister, PRI Minister
	4. Issue a TGI Policy for all LSGs along with a handbook for LSG to understand and handle LGBTQIs along with an IEC Program covering all LGU officers including officers on the Community's rights.	Chief Minister, SJD Minister, PRI Minister
	5. Appoint a Prerak for TGI community at the LSG level, at least at the District LSG who must necessarily be a TGI person.	Chief Minister, SJD Minister, PRI Minister,
	6. Make awareness programmes against transphobia and homophobia a formal concern of the Welfare Standing Committee.	PRI Minister & Dept.

	7. Include anti-transphobia and anti-homophobia awareness-raising formally among the concerns of the Health and Education Standing Committees.	SJD Minister, PRI Minister, copy to CM
	8. Make mandatory the inclusion of a TGI member in the relevant Working Groups during LSG planning.	PRI Minister/ Dept.
	9. Authorize the three members above to constitute a monitoring committee in the LSG to reduce anti-homo or anti-transphobia.	PRI Minister/ Dept.
	10. Mandate specific share of total resources available to the LSG for awareness-creation of gender fluidity. This may be through funding books on this topic in the local libraries and college libraries, holding workshops in local colleges, Ayalkkootams etc., preparation of IEC material etc.	SJD Minister/ Dept. PRI Minister/ Dept. Copy to CM
	11. Ensure inclusion of a TGI member in the Jagrata Samiti (JS), and provision for mandatory constitution of the JS within a stipulated time if a victim of homophobia or transphobia demands it.	PRI Minister/Dept.
	12. Establish a consultative body within the Department of Social Justice that may be convened as and when necessary to deal with instances of violence and transphobic and homophobic attacks against LGBTQI people.	SJD Minister/Dept.
	13. A list of potential resource persons from the LGBTQI CBOs and NGOs and prominent	SJD, PRI Dept.

Goals	Activity to Achieve Objective	Responsibility/ Govt. Dept./Agency
	individual activists in the community to be generated by the State Planning Board/Dept. of LSG/Dept. of Social Welfare vetted by the TGI Board and circulated to LSGs. The LSGs should be encouraged to choose experts for working groups from the list.	
	14. Include TGI category in all LSG surveys (correct the present exclusion).	PRI Dept. SJD
	15. Grant the option for TGIs to sit as a separate group if they so wish in forums such as Grama Sabha and Ward Sabha, and inform to the LSG Secretary of it earlier. Special gramasabhas could be conducted by the District LSG for this community (so that a greater number can come together to make demands).	PRI Minister/ Director Panchayats
Economic Empowerment of TGIs	1. Self-employment grants must be available for TGIs to initiate income generating activities and counselling and training from Kudumbashree.	PRI Minister, Industries Dept. BPL categories already eligible
	2. Special consideration to TGIs in renting space in buildings owned by local bodies to set up own income-generating enterprises/shops/training centres etc.	PRI Minister/Dept.
	3. Special windows of training and special scholarships through government and private run ITIs, catering institutes, dance academies, fashion institutes,	PRI Minister/Dept.

	computer training, cosmetology (both inside and outside Kerala), She Taxi, Sandesh 1, must be part of local government support for TGIs and BPL LGBTs.	
	4. The State government should lower the age at which TGIs can receive a pension from 60 to 55.	SJD Minister, SJD
	5. Aid to buy and learn to drive vehicles as a gainful occupation or for travel to and from work.	SJD
Affordable effective health care and the right to access it with dignity	1. Place TGI desks in Taluk and District hospitals within a LSG to address several health issues faced by TGIs. Wherever government hospitals are either distant or not easily reachable, LSGs should enter into agreements with other hospitals to establish TGI desks.	First SJD then Dept. of Health
	2. Facilitate gender transition: (i) Inform TGIs about options available in relation to gender transition (ii) LSGs should establish a fund for Sex Reassignment Surgery (SRS) in Government hospitals and Health Professionals must be trained in sex reassignment surgery, hormone therapy and other necessary medical skills associated with sex change treatment (iii) Access to SRS, Hormone therapy, with reimbursement from Karunya; and (iv) Proper post-operative follow-up counseling and arrangements for support, should be given.	SJD→Health Dept.

Goals	Activity to Achieve Objective	Responsibility/ Govt. Dept./Agency
	3. TGIs should obtain free of cost health insurance schemes provided for BPL category of Central or State Govt. TGs should be enrolled in the GoK's Comprehensive Health Insurance Scheme.	SJD→Health Dept.
	4. Establish a counselling center in local bodies, especially District LSGs and urban bodies, as a pilot with qualified and trained personnel, ensuring confidentiality amongst counselling professionals, with strong sanctions for breach.	PRI Minister/Dept.
	5. Mandatory anti-trans-and homo-phobia sessions for all key functionaries at the grassroots such as ASHA workers and Anganwadi teachers.	PRI Minister/Dept.
	6. Establish access to a special hotline for LGBTQI people with specially trained counsellors, especially a suicide hotline.	SJD
Right to Dignity and Life without Violence & Right to Freedom and Expression	1. TGIs should receive Ration food cards under Public Distribution System to obtain food at free/subsidized cost.	Chief Minister Civil Suppliers Minister/Dept
	2. Landless and Homeless TGIs should be able to access land or homes from any schemes for BPLs with special consideration.	PRI Minister/Dept.
	3. Provide appropriate toilet facilities for TGIs in all public places.	PRI Dept.

	4. Set up Safe Homes for TGIs within the LSGs to ensure their safety.	PRI Minister/Dept.
	5. Providing opportunities for enhancing TGI artistic skills as well as facilitate their participation in state and other festivals.	PRI Minister/Dept.
	6. Identification facilities should be made available at the level of the LSG – by registering through SEVANA. A special application form for ID for transpersons should be uploaded by Information Kerala Mission, and online application should be encouraged. Cross-checking, if necessary, should be done at the LSG level via Kudumbashree.	SJD
	7. Hold local-level legal training for para-legals from among TGIs and adalats to settle legal issues at the District LSG level. Offer free legal aid to TGIs.	SJD Minister/Dept.
	8. Uphold the rights of TGI people to choose their dressing styles, explicitly recognising it as a right. Raise awareness on this through public programmes.	SJ
Raising public awareness on gender and sexuality	1. Schools starting with the upper primary level should raise awareness of school students on gender and sexuality.	SJD, Education Dept.
	2. Counsellors and school teachers should be given training for enhanced awareness on gender and sexuality related issues and to	SJD, Education Dept.

Goals	Activity to Achieve Objective	Responsibility/ Govt. Dept./Agency
	properly manage, help and guide gender non-confirming children.	
	3. Include sexuality in the gender component of training currently being provided including doctors, lawyers, police, and other experts.	SJD, Education Dept. Health Dept. Police Dept.
	4. Issue a Circular strongly prohibiting the police from harassing TGI people in any way. Sensitize police officers at all levels about TGI rights in several waves of training.	CM, Police Dept.
	5. Clear instructions to all functionaries in departments to ensure security of person and property for LGBTQIs and prevent them from being punished or harassed for cross-dressing and gender-specific behavior. Swift action against public functionaries who engage in such harassment.	CM, SJD
	6. Anti-discrimination policies must be instituted and implemented in the processes of hiring, retention, promotion and employee benefit schemes.	SJD
	7. Through use of local NGOs or other community-based organisations help to strengthen networking between the Community and other relevant stakeholders for spreading awareness of genders and sexualities.	SJD
	8. Special effort to conduct cultural events giving awareness of non-conforming gender and sexuality such as film festivals and play-writing workshops.	PRI Dept.



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