

Identity Crisis: A Case Study on LGBTQ

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INTRODUCTION:

Over the centuries they have endured cruel forms of physical assault, forced prostitution, hate crimes even honour killings. The prevailing social-political scenario and existing legal framework appear to be indifferent and negligent to the agony of the community who for no fault of their own suffer grave injustice at the hands of its fellow beings and the State. Thus, the paper intends to offer an insight into the state of affairs of the Government, the Judiciary in working out a humane approach towards the LGBTQ community or ‘third gender’ and looks ahead with some suggestions that will hopefully ensure equity and justice in true sense.

United Nations Declaration on Human Rights (1948) has put an umbrella cover against all form of discrimination under Article 2, wherein, every individual has been granted rights and freedoms set forth in the UN’s Declaration irrespective of any distinction of any kind. While Article 1 safeguards for all an equality before the law and equal protection of the law, Article 12 protects right to privacy from arbitrary interference, any target upon honour and reputation of individuals. The Committee on the Rights of the Child (CRC), too stress that discrimination against vulnerable or marginalized groups of children (including children who are lesbian, gay, transgender or transsexual) must be addressed by the State.

Degrading treatment towards LGBTQ is often coupled with other parameters of superiority norms e.g. race, religion, disability, or economic, social or other status. Trans people across different countries face complex human rights issues often questioning their ‘gender identity’ unlike the self-acclaimed superior genders of ‘male’ and ‘female’ who are perceived normal and without any chromosomal deficiency or discomfort in biological body. Apart from the instances of abuse, ostracization, and hate crimes, the following concerns need to be empathetically addressed across the globe under domestic laws and welfare policy measures justifying standard norm of ‘equality’ and ‘freedom’ meaningful irrespective of gender in whatsoever diversity;

- Invasion on right to privacy
- Criminalisation of homosexuality
- Restricted access to health services
- Limited access to public places and institutions
- Exclusion from employment and livelihood opportunities
- Forced labour, slavery and sexual exploitation
- Discriminatory treatment in access to education
- Freedom of free speech, assembly and association
- Citizenship rights and freedom to participate in all civic body elections
- Legalising right to marriage, parenthood, adoption

METHODOLOGY:

I have used Primary and Secondary data collection method for the research. I have taken interviews, interpreted various magazines, newspapers, books, journals, internet articles etc for conducting the work.

OBJECTIVE OF STUDY:

The objective of this paper is to define LGBTQ and why it matters. Identify structures of inequality that shape our experience of gender, sexuality, class, race, ethnicity, ability, etc. Describe how people struggle for social justice within historical contexts of inequality. several examples of LGBTQ activism, particularly in relation to other struggles for civil rights. Recognize that “progress” faces resistance and does not follow a linear path. Identify forms of LGBTQ activism globally. Define key terms relevant to particular methods of interpreting LGBTQ people. Identify key epistemological frameworks from LGBTQ history, political movements, and in relation to Queer Theory while talking about the personal, theoretical, and political differences of the sexual liberation, gay liberation, radical feminism, LGBT civil rights and “queer” movements.

LITERATURE REVIEW:

Kavita Arora and Ankita Khanna told TIME that the demand for LGBTQ Rights in India is not an event but a movement and movements can't be quantified by time.

In The New York Time's Identity Crisis; Gay Culture Weighs Sense and Sexuality, Dr. Stall said "In the end it is a cultural fight as much as an epidemiological fight. What is the future of gay culture going to be like?"

The new law of Russia on LGBTQ contains a ban on propaganda for pedophilia, and a leading independent news site, Meduza, said the combination “looks like an attempt to put homosexuality and pedophilia in the same row.”

According to an analysis by a Russian lawyer, Maksim Olenichev, over 100 cases ended up in court since 2013. However, the biggest impact of such laws was casting the community as inappropriate, making it more invisible and subject to abuses. The new law is likely to push the LGBTQ community further underground, its opponents said.

RESEARCH QUESTIONS:

- What can be done to normalize LGBTQ?
- What is the current status of LGBTQ in India and abroad?
- Why is the identity of LGBTQ under threat?

CHAPTER 1: UNDERSTANDING IDENTITY & IT'S IMPORTANCE

Identity is a tricky concept because, at its core, it's pretty subjective. As an added complexity, we often define it ourselves. It encompasses the memories, experiences, relationships, and values that create one's sense of self. This amalgamation creates a steady sense of who one is over time, even as new facets are developed and incorporated into one's identity. It includes the many relationships people

cultivate, such as their identity as a child, friend, partner, and parent. It involves external characteristics over which a person has little or no control, such as height, race, or socioeconomic class. Identity also encompasses political opinions, moral attitudes, and religious beliefs, all of which guide the choices one makes on a daily basis.

Identity encompasses the values people hold, which dictate the choices they make. An identity contains multiple roles—such as a mother, teacher, citizen—and each role holds meaning and expectations that are internalized into one's identity. Identity continues to evolve over the course of an individual's life. Identity formation involves three key tasks: Discovering and developing one's potential, choosing one's purpose in life, and finding opportunities to exercise that potential and purpose. Identity is also influenced by parents and peers during childhood and experimentation in adolescence.

People who are overly concerned with the impression they make, or who feel a core aspect of themselves, such as gender or sexuality, is not being expressed, can struggle acutely with their identity. Reflecting on the discrepancy between who one is and who one wants to be can be a powerful catalyst for change.

The idea of an identity crisis emerged from psychologist Erik Erikson, who delineated eight stages of crises and development, a concept later expanded upon by others. Although not a clinical term, an identity crisis refers to facing a challenge to one's sense of self, which may center around politics, religion, career choices, or gender roles.

Why is Identity Important?

As human beings, identity serves a few purposes that help us live and be well. Having a sense of identity lends itself to a sense of belonging. If we know how we define ourselves, it's easier to find communities and places where we feel like we belong.

Identity can also be a way to structure some parts of our lives and choices to make them more manageable. If I think of myself as an ambitious accountant, it makes it more obvious to choose a career with a big professional services firm and structure my time to pass the CPA exam.

If my identity includes being an extreme outdoors person, I make travel plans and buy gear that aligns with backpacking and adventure. I might do this because it reinforces my identity. But it's important to realize this can be helpful but also limiting.

Identity is important for social connections and overall well-being. Identity can often be tied to communities, like religions, political or social values, shared language, cultural experiences, sexual orientation, gender and more.

With strong communities, you're better positioned to build strong social connections. And as a result, strong relationships can help strengthen your mental fitness, your resiliency, and even your physical health.

What is Identity Crisis?

Identity more or less is closely related to society. Even if it deals with individual, one cannot deny the importance society plays in shaping one's identity. So, what happens when a society begins to question this same identity of a person because it treats certain things as unnatural? This is the case with the LGBTQ community. Society fails to accept them as they are considered to be going against natural forces. While being alienated from the society, without any recognition and security, these people come under the grasp of identity crisis.

CHAPTER 2: UNDERSTANDING LGBTQ, RELATED TERMINOLOGIES

LGBT is an abbreviation of lesbian, Gay, Bisexual and Transgender. It is an umbrella term capturing anyone who is non-heterosexual or non-cisgender. The initialism was popularised in the 1990s and was regarded as a catch-all term for sexuality and gender identity. The term can be traced back to the 1980s when the abbreviation LGB emerged to replace 'gay'.

LGBT is understood to be an umbrella term capturing anyone who is non-heterosexual or non-cisgender. However, since then, additional letters have been added to be inclusive and in recognition of our more nuanced understanding of sexual and gender orientations today.

In the spirit of being more representative, the letter Q was added to include those who identify as queer. Originally a slur to insult people in same-sex relations, it has since been reclaimed by younger generations to describe people who view themselves as non-heterosexual or non-cisgender. The addition of '+' captures those who are part of the community but who don't recognise themselves as LGBTQ.

While specifically talking about gender identities, the terms which need to be understood are as follows:

Ally

A (typically) straight and/or cis person who supports members of the LGBTQ community.

Bi

Bi is an umbrella term used to describe a romantic and/or sexual orientation towards more than one gender.

Bi people may describe themselves using one or more of a wide variety of terms, including, but not limited to, bisexual, pan, queer, and some other non-monosexual and non-monoromantic identities.

Biphobia

The fear or dislike of someone who identifies as bi based on prejudice or negative attitudes, beliefs or views about bi people. Biphobic bullying may be targeted at people who are, or who are perceived to be, bi.

Butch

Butch is a term used in LBT culture to describe someone who expresses themselves in an atypically masculine way.

There are other identities within the scope of butch, such as 'soft butch' and 'stone butch'. You shouldn't use these terms about someone unless you know they identify with them.

Cisgender or Cis

Someone whose gender identity is the same as the sex they were assigned at birth. Non-trans is also used by some people.

Coming out

When a person first tells someone/others about their orientation and/or gender identity.

Deadnaming

Calling someone by their birth name after they have changed their name. This term is often associated with trans people who have changed their name as part of their transition.

Femme

Femme is a term used in LGBT culture to describe someone who expresses themselves in a typically feminine way.

There are other identities within the scope of femme, such as 'low femme', 'high femme', and 'hard femme'. You shouldn't use these terms about someone unless you know they identify with them.

Gay

Refers to a man who has a romantic and/or sexual orientation towards men. Also a generic term for lesbian and gay sexuality - some women define themselves as gay rather than lesbian. Some non-binary people may also identify with this term.

Gender

Often expressed in terms of masculinity and femininity, gender is largely culturally determined and is assumed from the sex assigned at birth.

Gender dysphoria

Used to describe when a person experiences discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity.

This is also the clinical diagnosis for someone who doesn't feel comfortable with the sex they were assigned at birth.

Gender expression

How a person chooses to outwardly express their gender, within the context of societal expectations of gender. A person who does not conform to societal expectations of gender may not, however, identify as trans.

Gender identity

A person's innate sense of their own gender, whether male, female or something else (see non-binary below), which may or may not correspond to the sex assigned at birth.

Gender reassignment

Another way of describing a person's transition. To undergo gender reassignment usually means to

undergo some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self-identified gender.

Gender reassignment is a characteristic that is protected by the Equality Act 2010, and it is further interpreted in the Equality Act 2010 approved code of practice. It is a term of much contention and is one that Stonewall's Trans Advisory Group feels should be reviewed.

Gender Recognition Certificate (GRC)

This enables trans people to be legally recognised in their affirmed gender and to be issued with a new birth certificate. Not all trans people will apply for a GRC and you currently have to be over 18 to apply.

You do not need a GRC to change your gender markers at work or to legally change your gender on other documents such as your passport.

Gillick competence

A term used in medical law to decide whether a child (under 16 years of age) is able to consent to their own medical treatment, without the need for parental permission or knowledge.

Homophobia

The fear or dislike of someone, based on prejudice or negative attitudes, beliefs or views about lesbian, gay or bi people. Homophobic bullying may be targeted at people who are, or who are perceived to be, lesbian, gay or bi.

Intersex

A term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex people may identify as male, female or non-binary.

Lesbian

Refers to a woman who has a romantic and/or sexual orientation towards women. Some non-binary people may also identify with this term.

Lesbophobia

The fear or dislike of someone because they are or are perceived to be a lesbian.

LGBTQ+

The acronym for lesbian, gay, bi, trans, queer, questioning and ace.

Non-binary

An umbrella term for people whose gender identity doesn't sit comfortably with 'man' or 'woman'. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely.

Outed

When a lesbian, gay, bi or trans person's sexual orientation or gender identity is disclosed to someone else without their consent.

Person with a trans history

Someone who identifies as male or female or a man or woman, but was assigned the opposite sex at birth. This is increasingly used by people to acknowledge a trans past.

Passing

If someone is regarded, at a glance, to be a cisgender man or cisgender woman.

Pronoun

Words we use to refer to people's gender in conversation - for example, 'he' or 'she'. Some people may prefer others to refer to them in gender neutral language and use pronouns such as they/their and ze/zir.

Queer

Queer is a term used by those wanting to reject specific labels of romantic orientation, sexual orientation and/or gender identity. It can also be a way of rejecting the perceived norms of the LGBT community (racism, sizeism, ableism etc). Although some LGBT people view the word as a slur, it was reclaimed in the late 80s by the queer community who have embraced it.

Questioning

The process of exploring your own sexual orientation and/or gender identity.

Sex

Assigned to a person on the basis of primary sex characteristics (genitalia) and reproductive functions. Sometimes the terms 'sex' and 'gender' are interchanged to mean 'male' or 'female'.

Spectrum

A term used to cover a variety of identities that have a root commonality or shared experience.

Trans

An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.

Transgender man

A term used to describe someone who is assigned female at birth but identifies and lives as a man. This may be shortened to trans man, or FTM, an abbreviation for female-to-male.

□ **Transgender woman**

A term used to describe someone who is assigned male at birth but identifies and lives as a woman. This may be shortened to trans woman, or MTF, an abbreviation for male-to-female.

□ **Transitioning**

The steps a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this.

Transitioning also might involve things such as telling friends and family, dressing differently and changing official documents.

□ **Transphobia**

The fear or dislike of someone based on the fact they are trans, including denying their gender identity or refusing to accept it. Transphobia may be targeted at people who are, or who are perceived to be, trans.

□ **Transsexual**

This was used in the past as a more medical term (similarly to homosexual) to refer to someone whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

This term is still used by some although many people prefer the term trans or transgender.

CHAPTER 3: THE QUESTION OF CRISIS, DISCRIMINATIONS FACED

□ **Marriage**

Same-sex marriage is not legally recognized in India, but since the Supreme Court decriminalized homosexuality in 2018, LGBTQ couples have held weddings to make their relationship "official," unofficially.

Thus, although an Indian is free to choose his spouse irrespective of their gender, it is not legally recognized unless it is a heterosexual marriage.

Registration under the Special Marriage Act A 'male' and a 'female' must meet the requirements of Section 4 of this Act in order to register a marriage³⁸. Therefore, the Special Marriage Act does not allow for the registration of marriages between 'third gender' couples.

□ **Adoption**

Child's Right law in India does not permit or prohibit adoption based on sexual orientation, so any person can adopt under either the Juvenile Justice Act or Hindu Adoptions and Maintenance Act (HAMA).

But there is no law which accommodates either same-sex marriage or live-in relationships for the purpose of adoption. Therefore an LGBTQ person can apply to Central Adoption Review Authority (CARA) for adoption as a single parent only.

If same-sex union gets legalised in India, lawyers and child rights activists said it will end the

"discrimination" against LGBTQ+ members who will be able to adopt as a married couple.

As of date, an LGBTQ person can apply to CARA to adopt as a single parent under the regime of the Juvenile Justice Act, 2015 and can also enter into an adoption deed under the Hindu Adoption and Maintenance Act. Therefore, the discrimination is against LGBTQ persons whomay wish to adopt as a couple.

□ **Inclusivity**

In India, often while filling out official forms, under gender, there comes three options: male, female and others. According to the existing provisions of the Indian Constitution, the 'others' constitute transgender or third gender only. It has no reference whatsoever to other communities like people with trans history, male to female transitioned, female to male transitioned, non binary etc.

These category of people are not even recognized in India. Some of these people also use different pronouns to define themselves. However, we only associate he/she with this particular identification.

□ **Military**

LGBT people are banned from openly serving in the Indian Armed Forces. In late December 2018, Member of Parliament Jagdambika Pal (BJP) introduced a bill to the Indian Parliament to amend the Army Act, 1950, the Navy Act, 1957 and the Air Force Act, 1950 that would allow LGBT people to serve in the Armed Forces.[94] The bill was lapsed in the Lok Sabha.

□ **Employment**

While no other gender is even known in India, we are left with the transgender community to be discussed under this head. The problems of the transgender community have been brought to the notice of the government in the recent past, thanks to the consistent activism of the LGBTQ+ community. There have been many landmark decisions made with respect to the community.

The government passed the Transgender Persons (Protection of Rights) Bill, on September 26, 2019 which include:

Section 3 (b): prohibits the unfair treatment of a transgender person about employment or occupation.

Section 3(c): prohibits the denial of employment and discriminatory termination from the same.

Section 10: bars establishments from discriminating against a transgender person in matters related to employment such as recruitment, promotion and other related issues.

Section 17: provides for the formation of a National Council by the Central Government with a representative from the Labour and Employment Department and Department of Legal Affairs, amongst others.

In 2020, in an updated version of the earlier draft, the government proposed giving equal opportunity in

employment to the transgender community.

The draft envisages that every establishment shall implement all measures to ensure non-discrimination against any transgender person in any matter relating to employment including, but not limited to, infrastructure adjustments, recruitment, promotion and other related issues.

Although several private firms have come up with queer-friendly policies at workplaces, making 'inclusion' their prime focus, there have been fewer words from leaders to ease the employment activities of trans people.

In 2017, Kerala's Kochi Metro Rail Limited employed 23 transgender persons, while eight out of them quit their jobs within a month due to refusal by several landlords to give them accommodation. According to several reports, the job was of little help, as they had to leave their accommodation since their employer had no legal agreement to step in and help them fight discrimination.

In 2019, in a historical move, a transgender person from Gorakhpur was shortlisted to become a train driver/technician, along with 2,941 women and 83,810 men. However, there were no further reports on whether they were recruited.

In 2020, the Noida Metro Rail Corporation (NMRC), dedicated one of its stations to the trans community and renamed it Pride Station. Six members of the transgender community were recruited by the NMRC through contractors for services.

In 2021, Karnataka became the first Indian state to allocate 1 per cent reservation for jobs in public employment in favour of transgender persons.

In 2022, Adam Harry, a transgender person from Kerala and an aspiring pilot, after clearing all the required test was declared 'unfit' by the Civil Aviation Body. The Directorate General of Civil Aviation (DGCA), after an extensive medical examination, opined gender dysphoria—a mismatch between biological sex and gender identity—made him "temporarily unfit" for a licence.

Hence it is clear that given the problem at hand with unemployment and youth, little to almost no heed is ever paid to the job struggles of the trans community.

□ **Societal Acceptance**

Homosexuality being legal or illegal, didn't mean it is truly accepted among families, or even among friends. We know for a fact that these kinds of laws absolutely make no differences in people's lives, they're still discriminated, assaulted, etc...

As a result, this law, this legalization, even though it has made a lot of people happy in India, and across the world, these people mostly came from cities where it was easier to celebrate this victory, but also where they were many more to celebrate it.

Even though, the "third sex" is currently recognized, trans people are definitely not fully accepted, and

even often go through atrocious “modern” tortures. For instance, some of them are very ill but doctors simply refuse to cure them, since they’re afraid that having contact - wether mental and physical - with them since they think might infect them. The most shocking was about the case of trans people who suffer from HIV and consequently have to go through a double discrimination, for being infected which is a topic that remains sadly taboo in India, but also have to deal with discrimination coming from the gender they identify with, that doesn’t always match with their appearance. What really makes, at least to me, this fact even more grave is that the hijra community has had a place in Indian History since Ancient India, as far as we know; and yet it still isn’t seen as a full Indian community.

Homosexuality legalization is the first step from India towards acceptance; yet the country still has a long way to go before it reaches an actual and genuine acceptance of the LGBTQ+ community.

CHAPTER 4: LGBTQ STATUS- WORLD SPECTRUM

□ RUSSIA

Following the fall of the Soviet Union in 1991, Russia liberalized some of its anti-LGBT laws. Most notably, homosexual relationships were decriminalized in 1993. Transgender Russians have also been allowed to change their legal gender on identity documents since 1997, although there are many obstacles to the process and invasive surgical requirements remain in place. Despite these liberalization trends during the immediate post-Soviet period, in recent years, Russian authorities have routinely denied permits for Pride parades, intimidated and arrested LGBT activists and condoned anti-LGBT statements by government officials. ILGA-Europe, the European section of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, rates Russia as the least protective country in Europe for LGBT citizens, ranking it 49th out of the 49 European countries rated in its annual survey.

In June 2013, the Russian duma in Moscow passed a new law banning the “propaganda of non-traditional sexual relationships” to minors. The new federal law is closely related to several regional laws that were already on the books, all of which seek to penalize “propaganda” of homosexuality, generally with the intent of “protecting” minors. The city of Sochi, which is the site of the upcoming Winter Olympics, has one of those regional laws in place. And while the regional laws are not uniform, like the new federal law, they all tend to advance vague definitions of propaganda that lend themselves to the targeting and ongoing persecution of the country’s LGBT community. The language of this new law focuses on “non-traditional” sexual relationships, to contrast with “traditional values” or “traditional family” language that Russia is promoting at the UN to oppose positive statements supporting the human rights of LGBT people.

The federal anti-LGBT propaganda law, as signed by President Putin on June 29, entered into force in Russia on June 30 of this year. (The official version in Russian is published [here](#).) In the federal law, propaganda is defined as: “distribution of information that is aimed at the formation among minors of nontraditional sexual attitudes, attractiveness of non-traditional sexual relations, misperceptions of the social equivalence of traditional and non-traditional sexual relations, or enforcing information about non-traditional sexual relations that evokes interest to such relations ”

the 2013 “gay propaganda” law has increased that social hostility. The law has also had a stifling effect

on access to affirming education and support services, with harmful consequences for LGBT youth.

Russia's "gay propaganda" law is a classic example of political homophobia. It targets vulnerable sexual and gender minorities for political gain. When Russian president Vladimir Putin signed the federal law in June 2013, he pandered to a conservative domestic support base. And on the international stage, the law helped position Russia as a champion of so-called "traditional values." The legislation, formally titled the law "aimed at protecting children from information promoting the denial of traditional family values," bans the "promotion of non traditional sexual relations to minors"—a reference universally understood to mean a ban on providing children access to information about LGBT people's lives. The ban includes, but is not limited to, information provided via the press, television, radio, and the internet.

The law has been used to shut down websites that provide valuable information and services to teens across Russia and to bar LGBT support groups from working with youth. But the law's effects have been much broader: individual mental health professionals have curtailed what they say and what support they give to students, and the law gives the strong imprimatur of the Russian state to the false and discriminatory view that LGBT people are a threat to tradition and the family. Significantly, mental health providers we spoke with said the law interferes with their ability to offer honest, scientifically accurate, and open counselling services, leading some to self-censor themselves or set out explicit disclaimers at the start of sessions to avoid running afoul of the law.

Given the already deeply hostile climate for LGBT people in Russia when the law was passed, it is not surprising that its passage coincided with an uptick in often-gruesome vigilante violence against LGBT people in Russia—frequently carried out in the name of protecting Russian values and Russia's children. And while Russian government officials and parliament members claim that the goal of the "gay propaganda" law is to protect children from potentially harmful subject matter, the law in fact directly harms children by denying them access to essential information and increasing stigma against LGBT youth and their families. As the European Court of Human Rights concluded in 2017, the law reflects and reinforces "predisposed bias, unambiguously highlighted by its domestic interpretation and enforcement."

This report—based largely on interviews with LGBT youth and mental health professionals in diverse locations in Russia, including urban and rural areas—documents the situation of LGBT youth there today. It looks at their everyday experiences in schools, homes, and in public, and their ability to access reliable and accurate information about themselves as well as counselling and other support services.

As one mental health provider explained, "The whole situation is just worsening. As of today, teachers and teachers-psychologists are not allowed to speak positively [on LGBT topics]. They can't just say to a kid, 'Hey, everything is normal with you.'"

LGBT youth interviewed by Human Rights Watch described feelings of intense fear of disclosing their sexual orientation or gender identity in their daily lives, as well as distrust in the individuals and systems that should provide them safety and refuge. This fear extends beyond the school walls: some of the students Human Rights Watch interviewed said that others in their communities also threatened and

physically abused them.

While some LGBT youth told us that teachers had supported and protected them, many others said their teachers characterize LGBT people as a symptom of perversion imported from Western Europe or North America, mirroring the political homophobia that motivated the passage of the “gay propaganda” law in the first place.

For some, peers are a source of relative support and openness—when compared with how their parents and teachers relate to issues of sexual orientation and gender identity. Others, however, face harassment, bullying, and discrimination at the hands of their classmates, who often repeat the stereotypes, misinformation, and noxious anti-LGBT rhetoric pervasive in Russian media. Some students heard comments from classmates suggesting that LGBT people do not deserve to live.

Nearly all of the youth we spoke with described intense feelings of isolation, which they attributed to persistent anti-LGBT rhetoric and hostile social attitudes. Their sense of isolation was exacerbated, they said, by the “gay propaganda” law. Repeatedly, they explained that their primary struggle is not coming to terms with being different as such, but rather finding accurate information about gender and sexuality in a hostile environment.

In the absence of accurate information and safe access to community spaces, or support from teachers and school mental health staff, many LGBT youth turn to the internet—an embattled, politicized, and often-censored space in Russia. However, the “gay propaganda” law has also restricted access to information about gender and sexuality online.

Mental health professionals we spoke with strongly echoed what LGBT youth said. They spoke of growing fear and anxiety among such youth since the law passed and an increase in demands for counsellors attuned to LGBT issues, but also pervasive ignorance among psychologists and new self-censorship even among those who understand the issues and want to play a positive role in the lives of LGBT youth. One psychologist described how even in situations where it is clinically relevant to discuss a child client’s sexual orientation, he feels constrained by the law: “Teenagers often wait for me to ask a direct and precise question about his or her sexual orientation or gender identity, but the law prevents me from doing that.” A social worker pointed out that the law “is an effective means of intimidation.”

Psychologists told Human Rights Watch that the “gay propaganda” law has limited their ability to be fully candid on questions of sexual orientation and gender identity. Some explained that they felt forced to speak about sexual orientation and gender identity only in euphemisms, or to say explicitly at the outset of counselling sessions that they cannot and will not disseminate “gay propaganda” in attempts to dispel in advance any notion that they are violating the law.

By sending an official message approving the marginalization of LGBT people, psychologists told us, the “gay propaganda” law increases the challenges youth face. And by erecting legal barriers between marginalized youth and the support services and information they need, the law does significant harm.

By enshrining discrimination in national law, Russia’s “gay propaganda” law violates Russia’s international human rights obligations. International bodies—including the European Court of Human Rights and the United Nations Committee on the Rights of the Child—have strongly condemned it for this reason.

□ **Japan**

The Tokyo District Court ruled on 30th November 2022 that Japan’s ban on same-sex marriage is in line with the constitution. At the same time, it noted that the lack of any legal system for same-sex couples to have families was an infringement of their rights. Advocates say the decision, in Japan’s capital and its most populous city, while not ideal, holds promise for the LGBTQ rights movement.

The case involved eight people who alleged Japan’s same-sex marriage ban contravenes the country’s constitution and were seeking damages of about \$7,000 each. The court rejected the plaintiffs’ claims. But it also said that the absence of a legal system for same-sex couples to become family members is “in a state of unconstitutionality” and presents a “grave threat and obstacle” to people’s humanity, according to Kyodo News.

According to a report by Nikkei, the judge cited conflicting parts of Article 24 of the country’s constitution: its first clause holds that marriage should be between a man and woman, while its second holds that “matters pertaining to marriage and the family” should be enacted based on “individual dignity and the essential equality of the sexes.”

The LGBTQ rights movement in Japan—the only member of the Group of Seven (G7) industrialized nations that doesn’t recognize same sex unions—has had mixed success recently.

The Tokyo decision is the third in a series of rulings the last two years, with more expected over the coming months. More than a dozen same-sex couples filed lawsuits at district courts on Valentine’s Day in 2019 in a push to advance marriage equality in Japan.

Both previous decisions also rejected claims for compensation, but they arrived at different conclusions about the constitutionality of the ban. In June, a ruling from a court in Osaka said that freedom of marriage in the constitution referred only to male-female unions, and that the country’s ban on same-sex marriage was therefore constitutional. That followed a ruling the other way in March last year by the Sapporo District Court, which said Japan’s definition of marriage, which excludes same-sex couples, violated constitutional guarantees of equality.

Earlier in the month, the Tokyo metropolitan government began issuing partnership certificates to same-sex couples, which allow same-sex couples that live, work or study in the Tokyo area to benefit from some rights and welfare programs that opposite-sex couples are eligible for, like being able to visit their partner in the hospital and living in public housing together. Although Tokyo’s rollout of a partnership system means that local governments in areas where about 60% of the country’s population live have partnership rights, these systems don’t allow those couples the same rights as married heterosexual couples. The partnership certificates aren’t legally binding, and don’t give same-sex couples the right to things like joint custody of children or spousal tax deductions.

Although support has grown for LGBTQ rights in recent years, especially among younger Japanese people, many of the country's ruling Liberal Democratic Party lawmakers are deeply conservative and have balked at recent pushes to advance LGBTQ equality. In 2021, the government failed to enact a law banning discrimination against LGBTQ people despite a push from activists ahead of the Tokyo Olympics, in which a record number of LGBTQ athletes competed.

Alexander Dimitrenko, the co-chair and co-founder of Lawyers for LGBT & Allies Network says that while he is disappointed in the Tokyo court's "timidity to rule more unequivocally in favor of equality," he remains hopeful about the potential for future progress. "The critical part of it is that the court has agreed that lesbian and gay couples deserve equality in Japan," he says.

OBSERVATION/RECOMMENDATION

In India, LGBTQ recognition is extremely limited. Only the transgender community is talked about which is also very curtailed. Homosexuality is decriminalized but same-sex marriage is not legally recognized. There are provisions laid out in the Constitution but there is not much practicality to it. Society is not acceptable towards the so called unnatural community. They discriminate against them and refrain them from attaining basic human rights.

In the international spectrum, though the various umbrella terminologies are known, in most countries they are not recognized. In case of Russia, it totally banned homosexuality in the name of conservation and preservation of traditions. It declared in a way that people of the LGBTQ community are totally illegal. Now, where does their identity stand?

In other countries like Japan, although same sex marriage is banned, it sees the inability of same-sex couples to adopt and start a family as an infringement of their rights. This opens up a ray of hope indicating improvement of LGBTQ Rights in the future.

Some of the ways to ensure protection and stop discrimination against this community are:

Public Awareness

Society should be more aware and show inclusiveness towards people of different genders. They should not be treated as unnatural.

Role of Media

Media plays a very vital role in today's generation. In any of its forms, media can bring about unimaginable changes in the general perspective of people. Thus, there should be widespread positive promotion of the topic which would prevent it from becoming a taboo in the future.

Role of Youngsters

Youngsters nowadays are very open minded. They have the capacity to accept things whether good or bad. This capability should be utilized to the maximum potential for the greater good.

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