

BEYOND THE RAINBOW

A Media Reference Manual for Representatives
of the LGBT Community



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Declaration

The Humsafar Trust had organized one-day community consultation on LGBT representation in Media. This media manual makes no claim that it is inclusive of the entire LGBTQH community but only a representation of the community.

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Section: 1

Why is media important?

In a country with a population of more than 1319 million (and rising) there are more than 5000 registered newspaper along with 49,000 magazine publications & is the biggest newspaper market in the world – over 100 million copies sold each day. Online, there are 375 million internet users in India and 116, 493, 6241 households with television sets, 136 million social media users and 1012 mobile users. Apart from using these mediums for entertainment, these are the forums where the country is sharing, discussing, making and questioning society.

The media is an important tool to address issues, question the status quo and foster change in society. The representation of sexual minorities in India in law and as part of civil society has been an important part of the Indian queer movement.

Public opinion in relation to the lesbian, gay, bisexual and transgender (LGBT) community, is largely divided and polarized between the largely supportive if not completely understanding English media to the strictly opposing language media. However, both are providing spaces for conversations about sexual orientation and identities. There is increased visibility, coverage of events (in print), discussions during prime time viewing hours (TV) and debates on forums (online).

Research by the Humsafar Trust has revealed that mass media has played an important role in visibilizing issues of the LGBT community and also brought to light the legal and human rights concerns surrounding them. However, there is much room for improvement in this regard. Precise and balanced representation of sexual minorities is crucial, but so far still, a distant goal.

Section: 2

Observation on Media Trends

Regional/language media in India is far ahead as compared to mainstream media in terms of readership and impact. Moreover, the reach of language media is fast increasing across the digital and mobile space.

Unfortunately, language media is also unaware/ unwilling to address LGBT issues- even the largely debated issues of Section 377. There is rampant misinformation, hostility and disinterest about LGBT issues. This has largely to do with their opinion of their target audiences and this further feeds the audiences' negative opinion of sexual minorities.

Overall, there is a lack of sensitivity, knowledge and resources accessible to the media houses. While news of pride marches, court judgements regarding sexual minorities or heinous sensationalized crime is reported, there is little balanced and precise information available online, in print or in television.

Section: 3

Process

On the 6th of May 2016 representatives of the LGBT community met in Mumbai to discuss effective media representation by LGBT people to bolster advocacy towards the repeal of section 377 in the Supreme Court.

After a brief brainstorming session, members of the community wrote down the common questions they are asked when they represent the LGBT community in the media. These questions were then aggregated under several headings according to similar themes and topics. These themes and topics were then opened to discussion and the questions under the topic were discussed in depth. The objective was to form a community consensus on the best, scientific and precise answers.

The consultation was a joint step forward in terms of its messaging and its representation. The aim was to produce a logical, consistent and impactful set of messages to form the basis of communication with all forms of media.

Section: 4

What is our responsibility?

The above discussion makes it extremely crucial to work with media and to create an easily accessible resource pool for media representatives, media persons and people interested in learning about LGBT issues. By engaging with communities, raising awareness among media practitioners and wielding their powers for good, the media can influence public opinion and policies.

As a community it would be our responsibility to make consistent communication on the issues of sexual minorities. As an organization (The Humsafar Trust) and as representatives of the community it should be our responsibility to:

- Spread awareness: educate, inform and sensitize mainstream media and society.
- Make scientifically sound arguments
- Dispel myths and clear misinformation
- Avoid slippery slope(self-defeating) arguments
- Make consistent and logical statements

Section: 5

How to appear in the media?

Preparation:

Some appearances/ interviews in the media are planned, others may come your way unexpectedly. Being prepared for these encounters would save you a lot of trouble. Misquotes and misrepresentation of issues can sometimes be unavoidable. However, being prepared would include keeping in mind certain answering strategies.

1) Constitutional Provisions

This strategy includes talking about Section 377, Fundamental Rights, Human Rights, the NALSA Judgment 2014, the Supreme Court Judgment 2013, and the Delhi High Court Judgment 2009 (Refer Appendix: 2, 3).

2) Scientific Evidence / Literature

This strategy includes talking about issues of the sexual minorities using scientific or literary evidence. This may include position statements from renowned organizations, research studies or papers (Refer Appendix: 5, 6, 7, 8, 9)

3) Community Perspective

This strategy encompasses a first-hand opinion/ experience of the community or its members.

4) Historical / Mythological evidences

This would include historical texts and cultural artifacts which support the fact that sexual minorities existed and found acceptance historically and culturally.

5) Ball Back in your court

This strategy forces the interviewer to confront their own prejudice/incorrect notions about sexual minorities.

6) Decorum Façade

Innumerable times, LGBT individuals have been presented as opposing the cultural norms of society. This strategy would be an opportunity to put the interviewer on the spot and reiterate that the question is inappropriate to be discussed in the esteemed forum.

Section 6

Logistics

Certain logistical considerations would have to be made before making an appearance/ taking part in an interview. For instance, before appearing for an interview, ensure that your name, your organization and designation are correctly quoted. If you belong to an organization please ensure that a banner/standee/logo of your organization is visible/ mentioned in the piece. – this needs more fleshing out , usage of a standee will vary depending on the situation , clear guidelines will have to be given when the interview is happening on the organization’s premises-furthermore this is a part of the organization’s media policy and cannot be a part of the Media reference Manual for the community.

Certain considerations should also be made of time. For instance, there are instances when the media is sure to approach you as a representative of the community. Some of these are listed below:

Sr. No.	Name of Event	Date	Type of Event
1	Pride Month	February	Annual
2	International Day Against Homophobia and Transphobia	17 May	Annual
3	World AIDS Day	1 December	Annual
4	Human Rights Day	10 December	Annual
5	Court Judgments	NA	Unpredictable
6	Crimes against LGBT	NA	Unpredictable
7	Discussions in Parliament	NA	Unpredictable
8	Other Prides	NA	Sporadic

Section: 7

Frequently Asked Questions

Question: Is homosexuality a disease/ disorder?

Position:

No, the definition of a disorder involves the inability to function in everyday situations, there is pain, difficulty in adjusting to usual situations and mental issues. This is not the case with homosexual persons.

The definition of a disease is something that causes pain, reduces metabolism reduces lifespan but homosexuality doesn't cause any of this. In fact, in the 1970s, both the International Classification of Diseases (ICD 10) and the Diagnostic and Statistical Manual of Mental Disorders (DSM IV) have declassified it as a mental disorder. On 17th May 1990 The World Health Organization (WHO) declassified homosexuality as a mental disorder.

In early 2016, the Indian Psychiatric Society (IPS) and the World Psychiatric Association (WPA) have issued position statements clearly stating that homosexuality is a normal variant of human sexuality.

Use statistics and scientific data available. (Refer Appendix: 6,7,8,9)

Question: Which one of you is the man in the relationship?

Position:

Same-sex orientation means attraction between persons of the same sex therefore neither of us are the man or woman. We are two people in love and this does not require man or woman, it requires understanding and attraction.

Question: How do you have sex?

Position:

This is a private question, please do not ask such inappropriate questions. I do not wish to answer this question in front of these esteemed guests and on your reputed show. -what happens if this is a press interview? Or a magazine? Or if it's a health related question?

Question: Is Homosexuality all about sex?

Position:

No, sex is only a part of sexuality. Sexuality includes love, attraction, and care for the other person and all other facets of a relationship. Please do not reduce my/ours? Sexuality to sex alone.

Question: Are you a real gay/lesbian?

Position:

There is no fake or real, we are naturally of this orientation. People may not always identify as LGBT before you as there is a lot of stigma and discrimination around sexual identities.

There is generally discomfort around talking about sex and sexuality in society. Some may not and need not openly come out however this is a personal journey which we need not comment on.

<u>Alternate Position</u>	<u>Implication</u>	
<u>Position 1:</u>	<u>Positive</u>	<u>Negative</u>
What according to you is real?	This is putting the ball back in their court. Asking them to confront their own stereotypes.	

How did you become gay?

Question: Are you gay/lesbian because you were abused as a child?

Position:

You cannot be 'turned gay' or converted to gay.

Pedophilia is not related to sexual orientation. Sexual orientation is not determined by abuse. Yes, child sexual abuse occurs but it occurs globally and the issue is rampant globally. However, we as a community are strongly against it. We are in full support of POCCSO laws.

Appendix: The Humsafar Trust Child Protection Policy, POCCSO laws, (Refer Appendix: 11, 12 respectively)

Question: Are you gay because there are no women around you?

Position:

No, homosexuality is about orientation. It is not affected by availability or non-availability of women.

<u>Alternate Position</u>	<u>Implication</u>	
<u>Position 1:</u>	<u>Positive</u>	<u>Negative</u>
This is question not about sexual orientation but about sexual behavior. -not clear in explanation	This is an accurate description of the issue.	This may complicate the issue as it complicates the discussion by introducing a new concept.

Question: Are there so many gays because of the rising numbers of female feticide?

Position:

You are deliberately connecting two completely unrelated issues. Female infanticide and feticide is a social evil which needs to be stopped. It is an outcome of patriarchal societal structure whereby women are seen as a burden. However there is no connection between these two things. (There is no data, evidence or research to support this?)

Transgender issues

Question: All transgenders are Hijra right? They are born with deformities

Position:

No, only a small fraction of Hijra are intersex (or born with ambiguous genitalia). Intersex persons are born with ambiguous genitalia or bodies that appear neither typically male nor female, often arising from chromosomal anomalies or ambiguous genitalia. This is often confused with transgender, however, they are vastly different. While transgender refers to a mismatch between biological sex and gender, intersex refers to ambiguity in biological sex.

Transgender is an umbrella term and it can broadly be further classified into FTM and MTF. Hijra is a cultural community entered into voluntarily. It is also a cultural identity. All TG are not Hijra.

Use IEC materials in Appendix

Question: Why don't trans persons take jobs?

Position:

The question is not why they don't take the jobs but are they qualified and if yes then do we have environments which are inclusive for them to feel safe? Your question ignores the reality of the situation in which trans persons live. Not only are they constantly in fear of bullying and threats in school but also in their neighborhoods and at home. This leads to a high dropout rate from schools, which means they may not have completed education and gathered the appropriate skills. Finally, you need to make changes in your infrastructure to make it more inclusive. You need to be sensitive to them in every interaction.

For example, will your watchman shoo them away when they walk in for an interview? Will the women/men in the bathrooms object to them using the bathroom? These are practical considerations of an inclusive workplace which requires cooperation from both parties: the TG community and the organizations seeking to be more inclusive.

Gay Rights

Question: Are you also demanding marriage rights?

Position:

Since our discussion is about Section 377 then let's keep the focus on Constitutional Rights and Fundamental Rights which is what the Curative Petition is demanding. We are not demanding special rights. The fight is to only decriminalize same sex behavior between consenting adults in private. The discussion on marriage needs better debate and thought in line with Indian sensibilities, we cannot follow western countries blindly.

<u>Alternate Position</u>	<u>Implication</u>	
<u>Position 1:</u>	<u>Positive</u>	<u>Negative</u>
Right now we are focusing on Section 377 and decriminalization, individuals fighting for marriage rights may do so.	The demand for the reading down of Section 377 is not a special right according to this frame.	This position is dangerous as it emphasizes on the sexual act which reduces the complex issues of a community to sex.
<u>Position 2:</u>	<u>Positive</u>	<u>Negative</u>
We are fighting for equal rights that all citizens have as per the constitution. Therefore we believe all rights battles should be parallel and yes this would include marriage.	It is important to stress equal rights and this would mean that there should be no pretense about what the LGBT rights struggle includes.	In a discussion about Section 377 this position would seem irrelevant especially because there is no representative from the community actively fighting for the right to marriage etc.

Question: Are you demanding reservation?

Position:

Since the discussion is about Section 377 then let's keep the focus on Constitutional Rights and Fundamental Rights which is what the Curative Petition is demanding. We are not demanding any reservation as of now. The fight is to only decriminalize same sex behavior between consenting adults in private.

<u>Alternate Position</u>	<u>Implication</u>	
<u>Position 1:</u>	<u>Positive</u>	<u>Negative</u>
We do not represent the whole community however we are right now only fighting for equal rights.	The demand for the reading down of Section 377 is not a special right according to this frame.	In a discussion about Section 377 this position would seem confusing especially because in the NALSA judgment stipulates reservation.

Natural v/s Unnatural

Question: Is Gay Sex Unhygienic?

Position:

Sexual orientation is much more than just sex. Besides, Indians have historically associated sex with impurity. Even heterosexual couples in Hindu culture are expected to remain celibate during auspicious events, in Islam it is common to wash oneself after intercourse and in Christianity sex for pleasure itself is sinful. By this logic all sex is unhygienic, why single this out?

<u>Alternate Position</u>	<u>Implication</u>	
<u>Position 1:</u>	<u>Positive</u>	<u>Negative</u>
What according to you is sex?	To make them uncomfortable and talk about something they don't want to.	This would mean engaging in conversation and there would always be the chance of cross- questioning.
<u>Position 2:</u>	<u>Positive</u>	<u>Negative</u>
According to the FPA India, 35-40% of men and women have anal sex. This is the same statistic with gay men too. Not all gay sex is anal.	It highlights that anal sex is a common practice.	Data may be helpful however does not answer the question.

Question: Can one convert from heterosexual to homosexual?

Position:

No, sexuality is not a choice. It is by birth and cannot be changed by corrective measures. It can be compared to left-handedness whereby in some cultures left-handedness was seen as a curse or a deviation. Any number of beatings, therapies or prayers wouldn't change that. If they did, the effects would wear off soon. This is also true with sexuality - it cannot be changed. Finally, it is also been declared to be not a disorder but a normal variant of human sexuality by the WHO, the IPS and the WPA. Any doctors or therapists offering cures are offering quackery which is ineffective and counterproductive.

Question: How will humans breed?

Position:

Sexual minorities form only 5% of any population. If 5% of a population doesn't breed it would be better for this world as it is already overpopulated. There are many straight persons who cannot breed and this is not seen as a matter of concern.

<u>Alternate Position</u>	<u>Implication</u>	
<u>Position 1:</u>	<u>Positive</u>	<u>Negative</u>
LGBT individuals are not impotent. They can have children if they wish.	Busting a myth of impotence associated with LGBT.	

Against Indian Culture

Question: Being LGBT is being against Indian culture and society?

Position:

Society changes with time, so what is culturally acceptable today may not have been acceptable twenty years ago. Women working outside the home used to be seen as taboo but this is no more the case now. I hope that India keeps up with the modern times and banishes a law which was set up in colonial times and is against Indian culture of acceptance and celebration of diversity. All progressive countries that India is looking to form connections with under the present government have given full legal recognition and rights to LGBT individuals.

<u>Alternate Position</u>	<u>Implication</u>	
<u>Position 1:</u>	<u>Positive</u>	<u>Negative</u>
Homosexuality has been represented in Indian culture in numerous ways. For instance there was a representation of transgender in Shikandi. The temples of Konark and Khajuraho also depict same-sex love.	Evidence of same sex behavior in culture is available.	Historical evidence is open to interpretation.
<u>Position 1:</u>	<u>Positive</u>	<u>Negative</u>
According to the Indian constitution we are a secular nation and religion is not above the Constitution.	Brings focus back to Constitution.	

Question: Isn't gay sex a sin?

Position:

How do you define sin? What constitutes a sinful act? What makes you think of it as such? (This puts the ball back in their court).

<u>Position 1:</u>	<u>Positive</u>	<u>Negative</u>
No, a sin is between me and God, the real sin is to discriminate. It would be the best to follow the teachings of the Bible to accept all children of God. Besides, a sin is something you do knowingly, I did not choose this life.	Uses the framing of the question to bring out a response.	Introduces a religious element when there is none.

Fear of changes in Society

<u>Question: Will you have sex in public?</u>		
<u>Position:</u> No, Section 377 applies to sex between consenting adults in private. We are demanding a reading down of the same. This doesn't mean that people are going to stop following other laws which prohibit public indecency such as the Obscenities Act Section 110. Sex in public is still prohibited.		
<u>Alternate Position</u>	<u>Implication</u>	
<u>Position 1:</u>	<u>Positive</u>	<u>Negative</u>
When the DHC judgement was passed, how many cases of public sex did you notice?	Cross questioning.	We do not know for sure that this is not the case.

<u>Question: Why do you need to be open about your sexuality?</u>		
<u>Position:</u> I need to be open about my sexuality as I want to ask for my rights. Because you may not have faced discrimination and have no experience of it, you may find it easy to ignore. However, to a gay person working at corporate where he/she cannot bring his partner to family night is discrimination. It affects the productivity and growth of the individual in a working space. Besides, it's not something that one needs to hide. Just as the battle for women's rights is ongoing, the rights for LGBT will only be fought through increased visibility.		
<u>Alternate Position</u>	<u>Implication</u>	
<u>Position 1:</u>	<u>Positive</u>	<u>Negative</u>
I don't want to live a dual life. I am taking a stand to talk against gay men knowingly marrying straight women for appearance's sake.	Support to govt. projects, message is conveyed clearly.	

Section: 8

Appendix

1) IPC 377

- Section 377 in The Indian Penal Code
<https://indiankanoon.org/doc/1836974/>
- SC hearing on gay sex: All you need to know about Section 377, Hindustan Times, New Delhi, Feb 02,2016
<http://www.hindustantimes.com/india/sc-hearing-on-gay-sex-today-india-s-struggle-with-sec-377-explained/story-PH220grrwgs9mtNTBKXTM.html>

2) Delhi High Court Judgement, July, 2, 2009

- We declare that Section 377 of the IPC, insofar as it criminalizes consensual sexual acts of adults in private, is violate of Articles 21 [Right to Protection of Life and Personal Liberty], 14 [Right to Equality before Law] and 15 [Prohibition of Discrimination on Grounds of Religion, Race, Caste, Sex or Place of Birth] of the Constitution.

http://data.unaids.org/pub/externaldocument/2009/20090702_section_377_en.pdf
- Delhi High Court strikes down Section 377 of IPC. The Hindu, July 3,2009
<http://www.thehindu.com/todays-paper/delhi-high-court-strikes-down-section-377-of-ipc/article219269.ece>

3) Supreme Court Judgement, December, 11, 2013

- Supreme Court Judgement Copy
<http://judis.nic.in/supremecourt/imgs1.aspx?filename=41070>
- Supreme Court ruling on Section 377 violation of human rights, says LGBT community, December 11,2013
<http://www.dnaindia.com/india/report-supreme-court-ruling-on-section-377-violation-of-human-rights-says-lgbt-community-2043102>

4) National State Legal Service Authority vs. Union of India (Recognition of Transgender Rights in India)

- Supreme court Judgement – April 15, 2014
<http://supremecourtindia.nic.in/outtoday/wc40012.pdf>
- Supreme Court reserves decision on the recognition of gender identity of transgender persons in India

<http://www.lawyerscollective.org/updates/supreme-court-reserves-decision-recognition-gender-identity-transgender-persons-india.html>

- Supreme Court recognize 'Transgenders' as Third Gender, Times of India, Apr 15, 2014.

<http://timesofindia.indiatimes.com/india/Supreme-Court-recognizes-transgenders-as-third-gender/articleshow/33767900.cms>

5) World Psychiatrist Association

- WPA Position Statement on Gender Identity and Same-Sex Orientation, Attraction, and Behaviors.

http://www.wpanet.org/detail.php?section_id=7&content_id=1807

6) Indian Psychiatrist Society

- Homosexuality not mental illness ,disease: Indian Psychiatrist Society

<http://www.firstpost.com/india/homosexuality-not-mental-illness-disease-indian-psychiatric-society-1378661.html>

7) World Health Organization (WHO)

- Proposed declassification of disease categories related to sexual orientation in the International Statistical Classification of Diseases and Related Health Problems (ICD-11)

<http://www.who.int/bulletin/volumes/92/9/14-135541.pdf>

8) International Classification of Diseases 10

- Clinical descriptions and diagnostic guidelines

<http://www.who.int/classifications/icd/en/bluebook.pdf>

9) Diagnostics and Statistical Manual - IV

- <https://justines2010blog.files.wordpress.com/2011/03/dsm-iv.pdf>

10) SANCHAAR Media Guide a Recommended Language Manual for Improved Reporting On Sexual Minorities in India

- <http://humsafar.org/manuals.html>

11) Child Protection Policy – The Humsafar Trust

- <http://humsafar.org/about.html>

12) Protection of Children from Sexual Offences Act, 2012

- wcd.nic.in/sites/default/files/childprotection31072012.pdf