

Advocacy, policy and support on male sexualities

The impact of social, legal and judicial impediments to sexual health promotion, care and support for males who have sex with males in Bangladesh and India – a study

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The rationale behind the study

- Anecdotal evidence indicate high levels of abuse, violence and rape of MSM
- The social, legal and judicial environment was having a detrimental impact on sexual health interventions
- These impediments needed to be documented as a tool for advocacy work with policy and decision-makers
- The study is part of a larger project that would develop strategies to reduce the impact of stigma, discrimination and harassment.

The rationale behind the study

- To explore social justice for MSM and the human rights violations and violence faced by MSM
- To analyse how this impacts upon their vulnerability in society
- Evaluate the effect that social exclusion has on increasing their risks of STI/HIV infection.



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Key issues

- Sexual diversity and polymorphous sexual behaviours
- For many a gendered framework of male-to-male sexual behaviours
- Many 'MSM' perceive themselves as a part of 'real man'/'not-man' binary
- Gendered performance, poverty, low educational status
- Marriage as socially compulsory
- Early sexual debut often arising from gendered performativity
- Gender segregation and social control of females
- Often male-to-male sex perceived within a context of play - not sex

In a gendered framework of male-to-male sex the issue of feminisation, as much as that of sexual practice, can itself lead to violence, abuse and harassment.

Methodology used

The study was conducted in 6 cities:

- Pune, Maharashtra state, India
- Lucknow, UP state, India
- Hyderabad, Andhra Pradesh, India
- Chennai, Tamil Nadu, India
- Kolkata, West Bengal, India
- Dhaka, Bangladesh

Methodology used

- The study was an action research that involved MSM CBOs in data collection activity.
- It involved extensive training with these CBOs on legal literacy, data collection methods, ethics of research.
- Created a pool of trained peers that can carry out sustained legal literacy work amongst other MSM in their locality.

Methodology used

The study utilised both quantitative and qualitative tools:

- Questionnaires (240 respondents)
- Pre testing of in-depth interviews
- In-depth interviews (72)
- Focus group discussions (12)

Findings

Demographic profile

- 52% of respondents were between 25-30 years of age.
- 42% reported education levels of primary education or less.
- 30% of respondents had sex with female sexual partners who were not their wives.
- 80% of respondents self-identified as kothis

Findings

Marriage

34% of respondents were married.

- Marriage was obligatory, irrespective of personal preference and choice.
- 32 out of 81 respondents who were married stated that their wives knew that they had sex with other men.
- Claimed that they had accepted it, or were incapable of doing anything about it.

It needs to be recognised that to divorce is highly stigmatising for the woman, and often leads to ostracisation.

Findings

Sexual debut

25% of respondents stated that their friends had sexually abused them

- For most *kothi*-identified males, early sexual debut is the norm, usually between 6 to 14 years of age usually when they first display feminised characteristics.
- This sexual experience was usually coercive, with older adolescents, friends, schoolteachers, male relative, or neighbourhood person.

It appears that femininity in a male is considered an indication that a person is sexually available and can be exploited.

Findings

Harassment, abuse and violence

- 42% reported that they had been sexually assaulted or raped by policemen.
- 60% reported sexual assault or rape by *goondas*.
- 75% of those reporting being sexually assaulted or raped by either policemen or *goondas*, stated that this occurred because they were effeminate.
- 70% of respondents reported facing harassment from police, ranging from extortion, blackmail, beatings, restrictions to movement, and disclosure of sexual practices to *goondas* and family members.

Findings

Harassment, abuse and violence

- While 36% of respondents in Dhaka reported that they faced harassment from religious leaders, only 8% in Indian cities reported such harassment.
- 28% of respondents reported that they have either thought of suicide or tried to commit suicide at some point in their lives.

Findings

Education, poverty, & vulnerability to violence

- 50% stated that fellow students or teachers harassed them in school or college because they were effeminate, drastically affecting their education and employment opportunities.
- 70% stated that the fact that they had sex with other males has had negative impact on their economic prospects.
- 45% respondents stated that their effeminacy had affected their work opportunities.
- 82% respondents stated that if they were not *kothis*, they would have better job opportunities.

Findings

Education, poverty, & vulnerability to violence

- 64% of respondents had a monthly income of between 1000-3000 Taka/Rupees, less than US\$70.
- On being asked whether being MSM has affected the income earning capacity of the person, 90% of the respondents states yes.
- 75% of the respondents stated that the effect on their income was because they were in sex work.

“I don’t mind if my ‘husband’ beats me up. It only shows how manly and powerful he is”

Because feminised males do not live up to the expected normative standards of masculine behaviour, this leads to the notion that those who are feminised can be exploited and abused, that being feminised somehow weakens the person, a notion that is often internalised by *kothis* themselves.

Accepted notions around masculinity and effeminacy are therefore one of the major factors that lead to disempowerment and opens perceived feminised males to abuse and assault and to a denial of service provision.

Recommendations

- Sensitisation training at all levels of the police force on MSM issues along with the general principals of fundamental human rights.
- Work with the police and the judiciary, especially the criminal justice system, to ensure that instances of violence and abuse and rape are addressed and legally redressed.

Recommendations

Advocacy work aimed at changing appropriately the discriminatory laws such as:

- Section 377 of the Indian Penal Code and the Bangladesh Penal Code respectively.
- The laws relating to obscenity that impede dissemination of sexual health information and make MSM outreach workers and educators vulnerable to police excesses.
- The laws relating to public conduct and nuisance that are often used to target MSM in public areas of congregation.

Recommendations

- Ensure the creation of a trained and sensitised legal task force that can take up cases for MSM who face violence and abuse.
- To address cases of male rape and other forms of sexual assault on males, appropriate male rape laws need to be enacted and put in place.
- Legal funds need to be created that can take on Public Interest Litigation on MSM issues.

Recommendations

- Address the social construction of masculinity and *genderphobia* (a part of that construction)
- Deconstruct notions that violence against feminised males (*and females*) is socially permissible, and that such males are less than human.
- There needs to be educational work on masculinity and gender and the way the distorted stereotype of gender affects MSM, especially feminised MSM.
- Such advocacy work needs to be conducted with educational institutions to address the issues of institutionalised homophobia/genderphobia.

Recommendations

- Activities that provide economic empowerment to MSM, including schemes like micro-credit and income generation project.
- Work also needs to be done on gender sensitisation and MSM with industry bodies and labour unions.
- Psychological counselling and psychiatric help should be made part of HIV intervention efforts amongst MSM.



Thank you for your attention