

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 South Asia**

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Denial, ignorance, illegality, myths, fears, violence, abuse, exclusion, and invisibility create a discourse that denies much of male-to-male sexual behaviours in society.

At the same time, current discourses on sexual identity, sexual orientation, and “sexual minorities”, also increases the invisibility of much male-to-male sex.

Male-to-male sex and the construction of masculinities in South Asia

Sexual diversity and polymorphous behaviour

Includes:

- **Gendered frameworks, performative, situational and occupational identities, sexual practices, and sex roles**
- **Intergenerational**
- **Sexual identity/orientation**
- **Discharge, Institutional, Situational, Economic**
- **Accessibility to sexual partners**

Class, education and poverty often frame practices, behaviours and identities

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

Male-to-male sex and the construction of masculinities in South Asia

A penetrative sexuality along with a gendered construction of male-male sex roles leading to high levels of discrimination, abuse, violence and rape of feminised males and boys



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.

Stigma and violence

From a study conducted in six cities in India and Bangladesh.

Anecdotal evidence from Pakistan and Nepal indicates similar data.

Stigma and violence

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.

Stigma and violence

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.

“Why do men have sex with men? This is not normal. We *kothis/zenana* are here for them”.

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

“When my *parik* (“husband”) beats me, I feel as helpless as a woman. Since I want to be a woman, it actually makes me feel good”.



“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.

**It should be noted that gay-identified men
are also perceived as feminised males**

The legal framework

Section 377 of the Bangladesh/Indian/Pakistan Penal Codes

Anyone who voluntarily has carnal intercourse against the order of nature with man, women or animal, shall be punished with imprisonment of either description which may extend to life, or to ten years and shall also be liable to a fine.

Explanation:

Penetration is sufficient to constitute the offence as described in this section.

The legal framework

Apart from this section 377 there is also:

- **Absence of any laws that address male-male sexual assaults**
- **Section 120B of these Codes which involve abetment and conspiracy to commit a criminal act**
- **Police Acts that give impunity to police for arbitrary action.**
- **Obscenity laws**

The social and religious framework

The threat of exposure in a culture where shame is the dominant mode of social control creates an environment of blackmail, suicide and coercive sex with no redress.

Under Sharia law, male-male sex is also punishable by death.

Policy and implementation

While National AIDS Programmes have accepted the need for direct HIV programming for males who have sex with males, these interventions are illegal under current laws.

This produces a conflict between the Health and Home Ministries in these countries

There is an enormous difference between having a policy and implementing that policy

Decentralisation can exacerbate this difference

Advocacy and challenges

- **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.**

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.**

But.....

Unless we also address the social construction of penetrative masculinity that allows *genderphobia* be a part of this construction and which enables violence against feminised males (and females) to be socially permissible - in a society that socially excludes such males - and says they are less than human, there will always be a difference between policy and implementation.



सुरक्षा | **Responsibilities**
Male Sexual Health and HIV in Asia
and the Pacific-International Consultation
New Delhi, India, 23-26 September 2006



Thank you for your attention