

# Bengal Trans\* & Queer Charter of Demands

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A Collaborative Effort by 21 LGBTQIA+ Organizations and  
Individuals across West Bengal



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# Background and Objectives of the Bengal Trans\* & Queer Charter of Demands

1. **Bengal Trans\* & Queer Charter of Demands** is one of the outcomes of the collaborative effort of 21 LGBTQIA+ organizations and several individuals to develop a comprehensive advocacy document, named *Bengal Trans\* & Queer Manifesto*;
2. To document and highlight various demands of the Gender and Sexual Minority communities in the Indian State of West Bengal with respect to their rights, lives, livelihoods, aspirations and publish the same in front of political parties, individuals associated with different rights based movements, and common people with regard to West Bengal State Assembly Election in the year 2021;
3. To mobilize and collectivize Gender and Sexual Minority communities in West Bengal to articulate their demands from a rights-based perspective and framework;
4. To contribute to the relevant wider academic, political, and public policy domains with respect to the GSM rights;
5. To carry out advocacy, including but not limited to political and media advocacy, in order to advance GSM rights in West Bengal and elsewhere.

# Collaborating Partner Organizations

1. Amitie Trust,
2. BDS Samobhabona,
3. Baruipur Ashray,
4. Birbhum Samporko,
5. Burdwan Swapnil,
6. Dinajpur Notun Aalo Society,
7. Dumdum Swikriti Society,
8. Jalpaiguri Uttarayan Society,
9. Jangalamahal Sahajog Society,
10. Kolkata Anandam for Equality and Justice,
11. Madhya Bangla Sangram,
12. Maitri Sangjog Society Cooch Behar,
13. Malda Parichay Society,
14. Nadia Sampriti Society,
- 15 Northern Blackrose Society,
16. PLEQSUS INDIA FOUNDATION,
17. Prantik Bongaon,
18. SRS Solutions Kolkata,
19. Siliguri Uttar Phalguni Society,
20. TISAR - Transmasculine Initiative for Support and Resistance,
21. Varta Trust

# VIOLENCE AND DISCRIMINATION

**Commitment: Address the problem of persistent and severe multi-dimensional violence and discrimination that GSM individuals face in their daily lives and at an institutional level. There is need for a comprehensive protection and anti-discrimination law that defines this violence and outlaws it in consultation with the GSM community.**

## **Steps to be Taken**

- Acknowledge that Sexual Orientation, Gender Identity & Expression, and Sex Characters (SOGIESC) are the legitimate basis for people getting discriminated, violated, harassed, and assaulted;
- Include the term SOGIESC in the existing anti-bullying, anti-sexual harassment, anti-discrimination, and protection laws;
- Recognize the specific homophobic, transphobic, and queerophobic slurs or verbal abuse and bring law to penalize those using them;
- Formulate anti-harassment laws and policies that protect GSM individuals;
- Recognise the sexual harassment, including corrective rape, of GSM individuals and bring them under anti-sexual harassment law,
- Bring legislation to criminalize “Conversion Therapy”, including electroconvulsive therapy that GSM individuals are subjected to;
- Political parties should sensitise their cadres and leaders on the issues of gender and sexuality so that they do not use GSM identities to shame and ridicule their opponents;
- Sensitise administration, law enforcement, and support staff of institutions
- Institute an authorised cell in the Police department to address GSM specific violence and discrimination

# EDUCATION

**Commitment: Reforming the education system to center the needs of GSM students who face severe bullying and violence in educational institutions, leading to problems of access and high drop-out rates.**

## **Steps to be Taken**

- Educational institutions should adopt a comprehensive GSM policy to address issues of gender nonconforming, transgender, and other GSM students (UGC Guidelines, Anti-ragging policy, other redressal mechanisms, anti-sexual harassment, hostel facilities for transgender students, fee waiver, toilets, etc.);
- Fulfillment of obligations under RTE Act;
- Redesign school and college curriculum, including SCERT, B.ED Colleges, Medical Studies, Administrative Training Courses, to include issues and demands of the GSM community individuals;
- Anti bullying legislation and acknowledge that GSM students are bullied and harassed on the basis of their Sexual Orientation and Gender Identity & Expression (SOGIE);
- GSM-affirmative counsellors at schools, colleges, universities, and other educational institutions
- Supportive learning ecosystem
- Reservation for transgender persons in public higher educational institutions
- Scholarships at all levels of education and fellowships for research scholars

# HEALTH

**Commitment: Reducing the barriers to accessing healthcare and improving the health status of GSM persons by addressing the social determinants of health**

## Step to be Taken

- Directives should be issued by the Department of Health and Family Welfare to all the government-run hospitals, healthcare centres and other healthcare facilities, such as municipal hospitals, primary healthcare centres, blood banks/ dialysis units, etc. (rural and/or urban) to provide healthcare services to transgender and other GSM community individuals without any barriers and discriminations;
- All government-run hospitals and healthcare facilities (urban and/or rural) should have policies on registration and admission of transgender and other GSM community individuals and modify the infrastructure (upgradation of software, toilet, wards, OPD, pathological laboratories, etc.) accordingly;
- Introduction of transgender wards at all levels of healthcare and make mental healthcare available and affordable;
- Bring Gender-Affirmative Therapy under the umbrella of universal health care, such as Swasthya Saathi;
- Ban sex reassignment surgeries of minor intersex children without consent without any medical reason;
- Ensure representation of GSM communities in the Rogi Kalyan Samiti of every major hospital in each district
- Reforming medical education curricula and sensitising health care providers
- Criminalize conversion therapy
- Ensure stigma-free access to HIV and other Sexual Transmitted Diseases;
- Ensure GSM persons receive COVID vaccination without any barriers;
- Dissemination of literature to sensitise and counsel parents of GSM individuals

# HOUSING, SHELTER, FOOD SECURITY, SOCIAL SECURITY

**Commitment: Enable people from the GSM community to access safe housing facilities, ensure food security, and ensure schemes for transgender and economically GSM community individuals at all times. Additionally, enable the GSM community access to relief during disaster situations.**

## **Steps to be Taken**

- Develop community-based shelter homes and crisis intervention system for the transgender and other GSM community individuals, especially those who are forced to leave natal family homes, which can be accessed irrespective of employment status;
- Gender Nonconforming and other queer minors who are vulnerable to violence from natal families should be offered community-run, safe shelter facilities and the administration must intervene;
- Help transgender and other GSM community individuals, especially those who are homeless and with limited financial resources, access house-building grants and schemes;
- Provide free and quality food grains (ration services) to socioeconomically marginalized GSM community individuals under Public Distribution System without any identity document or without making them prove their gender identity and sexual orientation;
- Ensure that GSM community members get access to government or non-government relief measures without facing any discrimination or harassment during pandemic like situation or after any natural disaster.
- Pensions for elderly transgender persons;
- Distribution of land pattas among transgender and socioeconomically GSM community individuals;
- Convergences of all government schemes for socially underprivileged class/ caste/ ethnicity and inclusion of transgender and economically underprivileged GSM community individuals.



# LIVELIHOODS AND FINANCIAL INCLUSION

**Commitment: Given the vicious cycle of poverty that GSM persons are trapped in, there is a pressing need for skills building, meaningful and discrimination-free wage and self-employment opportunities, both in the formal and informal sectors. Inclusion in social security schemes is also vital.**

## Steps to be Taken

- Design employment schemes for transgender & economically marginalized GSM community individuals;
- Accessing training, upskilling or livelihood support schemes;
- Employment security should be made mandatory for GSM individuals
- Extend horizontal reservation to transgender individuals for work opportunities
- Make transgender and economically marginalized GSM heirs/ heirs estranged from natal families (due to natal families not accepting them on basis of SOGIEC identity) eligible to receive parents' pension
- Design social security schemes focused around the needs of GSM communities
- Mismatch in gender markers on documents should not be grounds for debarring candidates with the requisite skill sets from being considered for jobs;
- Sexual harassment at workplace policy should be made transgender inclusive;
- Inclusion of transgender and GSM persons in labor laws, employment exchange, and NREGA scheme.

# INTERACTION WITH THE ADMINISTRATION

## Commitment

**A. There is an urgent need for the administration to help transgender and non-cisgender individuals to change their identity-bearing documents through a simple process, congruent with best international practices. This is vital in light of the institutional harassment that transgender and non-binary individuals face while changing their documents.**

**B. Administration should be sensitive and aware enough to listen to the GSM community individuals if they reach out to them for some specific issue, demands, and work**

## Steps to be Taken

- Need for parity, speedy, simple, harassment free procedure for changing names and gender markers in all the identity documents, including birth certificate, school/ university certificate, etc.
- Provision should be made in all service-related application forms, such as house site pattas, agricultural land pattas, all service-related examinations, ration card, pan card, health insurance forms, etc. to allow self-identification as transgender, apart from male and female.
- Establish a separate department and a nodal agency that will handle the issues of the GSM community under the leadership of a Minister of State of Ministry of Minority Affairs
- All government officials to be sensitized about working with the GSM communities and how to help them in order to access various government schemes and services, including name and gender marker change in the documents;
- Gender and sexuality audit for government institutions, agencies, and departments
- Publish clear, concise guidelines informing the public as well as internal circulars for the administrative departments concerned about the process of changing documentation

# STATISTICAL INCLUSION

**Commitment: Mandatory inclusion of GSM individuals in all documents that involve gender as a category such as census, sample registration surveys, and other geographic surveys. Inadequate data leads to an inability of formulation of inclusive policies based on empirical data which can greatly facilitate development of GSM persons.**

## Steps to be Taken

- Include Transgender and Other under the gender category for all documentation, with options to Specify the Gender where other is selected.
- Proper and comprehensive enumeration of transgender populations in the next Census;
- Data collectors should be trained in how to collect self identified gender data during such collection procedures
- Each documentation containing any demographic data should have GSM categories to collect and record pertinent data;
- Study to map the socioeconomic status of the gender and sexual minority community individuals so that schemes can be formulated accordingly.

# Civil Rights

## Commitments

- Ensure that no GSM person is asked to prove their citizenship status and produce ancestral documents or seek such documentation from natal families;
- Ensure safety of transgender and GSM couples, including the interfaith transgender and GSM couples;
- Ensure that romantic relationship between two consenting GSM adults is not criminalized or stigmatized due to their faith/ religion;
- GSM individuals from other countries who face prosecution and/or persecution on the basis of sexual orientation, gender identity & expression, and want to settle in India must be accepted without being discriminated against on the basis of their religion and/ or faith;
- Transgender and GSM community individuals must be able to get all necessary benefits under the existing marriage, inheritance, adoption acts;
- If a separate legislation is being formulated to recognize domestic partnerships, transgender and GSM couples must be included in that;

# Political Participation

**Commitments: Transgender and other Gender and Sexual Minority community individuals must be given chance to represent their communities in various political spaces, including India's Parliament. This would ensure that issues and demands pertaining to these communities are being properly raised.**

## **Steps to be Taken**

- Members of the GSM communities to be included in all levels of political parties, including in decision making bodies;
- Ensure that legislative declares reserved seats in the administrative bodies, including the legislative assembly for people from the GSM communities;
- Ensure GSM representation at the Panchayat Level;
- Political leaders and public officeholders should advocate publicly for inclusion, representation and participation of the GSM community in public life and political issues