

“Hate Crimes against LGBTQ Community and their Social Exclusion”

*Anukriti Rastogi
Institute of Law,
Nirma University*

Thematic appreciation:

LGBTQ which stands for lesbian, gay, bisexual, transgender and queer are the people who have their own gender and sexual preference based on birth or choice. There is an estimated 4.1% of the American population who belong to the LGBTQ community and around 2.5 million Indians who identified themselves to the part of the community. It is quite evident from the present scenarios and events in the past about the increasing violence and atrocities against them. They have been subjugated and extrapolated from the society

Hate crimes means crimes exhorted by the victim's sexual preference, gender identity or religion. From time immemorial there are plethora of cases of violence against the community and no preeminent laws to placate them. These crimes had instilled terror in the community and had caused a deep and lasting effect. The society is pulverizing the community and ceases to understand the traumatic experience they undergo lifelong. People are consumed with rancour against them. Those who are subjected to such violence because they are perceived to violate heteronormative rules of sexual identity and roles. For people in general, discriminating them or ostracising them is not a new concept as they feel the community is born to be dominated. From the very first incidence occurred in the 1969 stone wall riots to the current day there is an exorbitant increase in the violence. The main idea of violence is that the community's way of living and loving is a far-fetched concept for the society. The perpetrators are either transphobic or homophobic and perceive sexuality as an erroneous concept.

As in today's era it is very outlandish to note that people are stoical towards them and don't consider them a part of the society. Where law should step in without further delay, 'Justice is an ephemeral concept'. The schism is so much to cover that a new revolution would come in picture. The concept of LGBTQ being different is a specious concept. Sexuality is as natural as giving birth. Improving course of justice is a most rudimentary effort to stop crimes against them. Suicidal behaviours, trauma, homelessness is the consequence of such violence

This research aims at giving discerning reality check and the insight to the sheer pain and inclemency of their so called 'own people'. However some LGBTQ rights have come into picture, people way of acceptance and insouciant behaviour is still the same. The main aim of research is to necessitate laws for safeguarding the rights of the community and how to make them socially acceptable.

The purpose of study to analyse the Hate crimes and their gruesome truth and also the ignorance and apathy towards them.

This study aims to raise questions about how LGBTQ have been considered outcasts and their dignity is always questioned. The concept of LGBTQ segregation is obfuscating. Just to differentiate people on the basis of their sexuality or gender is a matter of great lampooning. This is a harsh reality of LGBTQ community. They face violence at every pedestal of life even in the cocoon of their houses where they are meant to be 'safe'. It takes plenty of courage for trans people to accept the reality of who they are but the society time and again harass them and it continues perpetually.

This study would also evaluate how they are stigmatised intentionally and what can be the fatal consequence of this. A community which has even been berated and attacked in the ambit of their houses cannot forget the infliction on them for lifelong. It would also analyse even after the corrective measures and law how the hypocrisy still sustains.

As a society Violence against a person is an issue which is highly sensitive and runs deep. Media, police and family members always addresses such issues but Violence on the LGBTQ community had always become a neglected issue. The community face discrimination and violence in every context of their lives. Many people of the community are murdered and their death is gruesome, involving gunshots, burning, strangulation and beating to death but these crimes go unheard and unsolved. These represent only the known victims, many of them whose deaths we would never know about because of the police, the media or the family members. They have continuously mis-identified them based on their assigned sex. Being disowned and harsh treatments from their family somewhat instigate the violence and they accede to it because nobody has got their back.

There are cases from all over the globe that embellish a long silhouette of criminalisation of LGBT and their fight to protect their body and rights. Various murders and stories of body mutilation have been reported but the dead bodies are abandoned nobody claims it. This practise condones the truth of the deceased lives and prevent further investigations .The trauma and setback of facing violence and hatred of their own people is heart wrenching

.To curb the violence the rudimentary step begins from home. There must be an emotional support from gender non-conforming member from family and peer groups as the moral rapport would help them stand the world. The community also need jobs, housing and educational opportunities so that they can fight against the oppression. Without guarded access to public places ,the community is in peril and heightened risk of violence. Therefore adequate measures must be taken and all the goons even harassing them should be punished. The community is in constant fear of rejection, discrimination and humiliation and due to this violence escalates. The world sees a furore every time there is a case of violence but the violence against the transgender are overlooked. There are deadly demographics of the community facing violence. Though there is a Hate crime prevention Act, the laws are still to be enforced with due diligence .According to the law hate crimes are difficult to prove as there is no particular definition .Many instances reported like that a trans was decapitated but

still justice was denied. The equality is being jeopardized everywhere but hypocritical as it may sound 'Equality for all' is a prominent adage.

If there is a Non discrimination law and proper guidelines for the people ,violence could be curbed a little.

The study by many scholars examines how the hate crimes is perpetually increasing with no stringent laws. The over-exploitation ,murders ,domestic violence and even sexual harassment is relentless .The study also found that the community also faces threats and constant intimidation. But the fact is we often ignore or don't even perceive is that directly or indirectly, we ,as a society are responsible for their condition .There is a colossal stigma surrounding the LGBTQ Community. While the LGBTQ community rejoiced the major judgment on Same Sex marriage ,stride of violence continued .It is clear that even there is an unabated violence ,it still goes unreported or even sometimes unregistered due to constant trepidation and horror.

In the article published by The Guardian, it focuses on how it is a right time to recognize the prerogative and rights of the LGBTQ community to assess how their fundamental rights are violated time and again. The vicious cycle is never ending as they are assigned 'queer' in split of seconds, cat-called in schools, lambasted in workplaces, sexually harassed ,face domestic violence and murdered brutally. Globally, they are outlasted in every aspect. The study give an example of Malaysia where religious officials arrested a Transgender for simply walking down the street. Similarly arrests have been made in Indonesia, ,Nigeria ,Kuwait and UAE. They are being mishandled and lampooned on the way they dress and walk .Such petty things and mostly valued in our society. There have been a constant upheaval and commotion in recent years towards achieving legal gender recognition for suppressing abuses .It is a marked document which provides gender identity. This would potentially curb violence as it would provide a sturdy and plausible ground to their gender identity.

We Indians celebrate a year of the landmark 377 judgement (Navtej Singh Johar v.s Uoi) that decriminalizes same sex marriages and propagate the idea of 'Love is love' . But how deeply the judgement has ingrained in the mindset of Indians is yet to be questioned . The very judgement questions the acceptability and global recognition. Normalization of same sex marriage and non- judgemental approach is the need of the hour. Buried deep in the shallows of the web of Indian society, the members of the community are still struggling to break the armour and searching their autonomy and individuality . Almost half of the population of the LGBTQ community in India is coerced towards prostitution to make a living. Despite the furore and the legalization of section 377 many of them are stuck in the dingy cells of misery from where there is no escape.

So the annual celebration of section 377 is really worth remains a constant question?