

Submission for the Report to the United Nations General Assembly on Eliminating Intolerance and Discrimination Based on Religion or Belief and the Achievement of Sustainable Development Goal 16 (SDG 16)

By [The Queer Muslim Project](#) and the Global Interfaith Network ([GIN-SSOGIE](#)).

Based on the following call for submission:

<https://www.ohchr.org/Documents/Issues/Religion/CallforSubmissions.pdf>

With the focus of the upcoming report to the 75th session of UN General Assembly, by the Special Rapporteur on Freedom of Religion or Belief being the exploration of direct and indirect forms of discrimination perpetrated against religious or belief minorities – including indigenous peoples, refugees and migrants - as drivers of conflict and insecurity, the below contribution aims to focus on the ongoing situation in India, and the specific discrimination and violence targeting LGBTQI Muslims, and its effects, in the country:

“Transgender Muslims are often denied burial by clerics. Once a Hijra person passed away in Bowring Hospital in Bangalore, and her family refused to accept her dead body. So, we performed her funeral rites ourselves.” (Hasina, Transwoman)

India's Muslim population is the world's largest Muslim-minority population. Yet, a 2006 report by the High-Level Sachar Committee, showed that Indian Muslims suffer from high levels of social stigma, fear of violence, spatial segregation and even lack of basic access to housing, bank credits and government jobs. Furthermore, 31% of Muslims live below the poverty line in the 2004-2005 (NCAER survey), and experience great levels of relative impoverishment. Moreover, Indian Muslims lack adequate representation in the judiciary, the administration and the police, which creates a sense of vulnerability among them in the context of counter-terrorist measures and laws of exception. Inadequate political representation creates a sense of insecurity leading to Muslims supporting traditional religious elites called the Ulema (Gayer and Jaffrelot 2012).

More specifically, in the absence of relevant data on LGBTQI Muslims in India, The Queer Muslim Project led a national consultation with community members in Bengaluru on May 13, 2018. Like Hasina, many community members shared gripping personal testimonies of violence, stigma and discrimination. See further details below.

LGBTQI Muslim persons in India face heightened threats to their health and well-being as they navigate the intersections of intolerance by more conservative sects within their communities as well as rising conservatism, increased religious polarization fueled by the communal and divisive rhetoric of Hindu nationalist leaders, sustained economic disparities, and increased patriarchal control of their gender expression, choice of partnership, and access to sexual and reproductive health information and services. Their rights to accesses sexual and reproductive health services, enjoy legal gender recognition or opt for same-sex partnerships are also under constant threat. Indeed, while the Indian Supreme Court decriminalized homosexuality in

September 2018, the current Hindu nationalist government hasn't taken any steps to translate the SC judgement into policy practice. It has also passed the extremely violative Transgender Persons (Protection of Rights) Act, 2019, which mandates the need for government certification for an individual to identify as transgender.

We therefore see that the divisive rhetoric of the government targeted specifically at Muslims, Christians and lower caste Hindus (Dalits) has found its way into the LGBTQI community, leading to an increased polarization of voices, where LGBTQI Muslim activists are more often than not expected to remain silent and their experiences of state oppression and brutality (in terms of mob lynching, beef ban, political disenfranchisement through the National Register of Citizens, crackdown on human rights activists, communication blockade in Kashmir, etc.) are gaslighted and dismissed by upper caste, Hindu LGBTQI individuals and organizations as well. More recently, a section of the LGBTQI community was seen celebrating the excesses of the Indian state in Kashmir, calling it a victory for LGBTQI rights. There has indeed been an increasing momentum in the LGBTQI community's movement for equal rights, post the decriminalization of homosexuality. Yet, there has also been a rise in anti-Muslim violence, often fueled by the divisive and communal rhetoric of Hindu nationalist leaders.

Further, sexuality in Muslim communities is often relegated to the private sphere leaving the space open for silence, shame and abuse. There are not any LGBTQI Muslim spaces in India. The idea that homosexuality is 'sinful' in Islam, and the lack of support in families, educational institutions and faith-based spaces, often drive LGBTQI Muslim individuals to self-denial, depression and suicide. Fundamentalist ideas around sexual and bodily rights coupled with Islamophobic attitudes in conventional queer spaces renders LGBTQI Muslims invisible and largely absent from existing activism in India.

In conclusion, according to an IndiaSpend content analysis of the English media, Muslims were the target of 52% of violence centered on issues related to the holy cow between 2010 to 2017. Indian Muslims have also been subject to statelessness as a result of a controversial citizenship enumeration drive in Assam, known as the National Register of Citizens (NRC). Further, LGBTQI spaces that should be safe spaces for all sometimes carry underlying biases and implicit negative assumptions about Islam, leading to isolation and invisibilisation of LGBTQI Muslims.

Personal story:

A 23 year old gay man called The Queer Muslim Project earlier this year to seek help whilst his family was attacked in North East Delhi, during communal violence – his home was burned down, he and his family had to jump off their rooftop, and all their belongings were looted (documents, jewellery etc.). To this day, there has been no justice, as the police have not registered the fire. It does seem that the police were complicit in the violence, which is substantiated by the fact that so many protesters have been arrested, whereas those who perpetrated the violence are running free.

This family had to leave their house after losing everything – and are now staying with grandparents in a Muslim dominated locality, as they fear going back. They have been given 25000 Rupees from the Delhi government but nothing else to support them.

The Queer Muslim Project still remembers this day of violence. This young gay man called them, cried on the phone, screaming “I am inside the house, we are all stranded and there is a mob beating at our door, and they are burning down our house” –after a couple of hours, they learned that they managed to escape and go to local police station.

This boy has been seriously affected by this violence, which has caused him great agony and pain. And this is not the story of one person – in India, many Muslims have been pushed to this state of extreme vulnerability, hopelessness and despair. This has only been enhanced by the current COVID-19 pandemic, with Muslim communities now targeted as reasons for the pandemic (cumulating layers of stigma and trauma). And this has only been enhanced by the media, and thereby manifesting in increased violence and destruction. So many Muslims are burning out, including queer Muslims, pushed to the corner.

Please find below further links for the broader context:

<https://www.nytimes.com/2020/02/26/world/asia/delhi-riots-kapil-mishra.amp.html>

<https://www.nytimes.com/2020/03/12/world/asia/india-police-muslims.amp.html>

<https://www.thehindu.com/news/cities/Delhi/rescripting-north-east-delhi-riots-and-the-question-of-justice/article31597139.ece/amp/>