

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Please provide information on the treatment of homosexuals within Kerala.**
- 2. Please provide information on the attitude of the Latin Catholic Church in India and in particular the Kerala Catholic Students League and the Indian Catholic Youth Movement towards homosexuals.**
- 3. Deleted.**

RESPONSE

- 1. Please provide information on the treatment of homosexuals within Kerala.**

Specific information was not found on the treatment of male homosexuals in Kerala. A 3 July 2009 article in *The Pioneer* states that “As per a survey conducted by the Kerala Aids Control Society, there were a minimum of 38,500 male homosexuals in Kerala, of whom 25,000 were living in cities and towns”. In general, little positive reportage was found on the situation for the LGBT community in Kerala. A number of articles refer to the fact that sexual minorities in Kerala are marginalised and harassed, although no media articles were found reporting on specific incidents of attacks on or mistreatment of homosexuals. A number of media articles report that many LGBTs in Kerala have migrated to other states. A 26 June 2009 *Express Buzz* article quotes Deepa, a Keralite lesbian activist, who states that sexual minorities “are so harassed that they are forced to leave Kerala for other states”. A September 2008 *Hindu* article states that sexual minorities in Kerala “are among the most marginalised in the country”. A May 2008 article on the *Hindustan Times* business publication *Mint* website reports that the city of Bangalore in Karnataka “is serving as a safe haven for sexual minorities from the neighbouring states of Kerala and Tamil Nadu.”. An October 2008 article in *The Hindu* quotes lesbian activist Deepa as saying that there is “a conspiracy of silence about sexual minorities in Kerala and people pretended that gays, lesbians and transsexuals

did not exist in the State”. According to information found on LGBT activist websites, there is an under-reportage of gay issues in the media in Kerala. Much of the information found on LGBTs in Kerala focuses on lesbians, most especially on the high rate of suicides among lesbians in the state. An entry dated 18 September 2009 on the Citizen News Service website reporting on sexual minorities states that: “Suicide rates (especially among lesbians who are least understood and accepted) are high – highest in Kerala but mainstream media rarely reports it”. An August 2008 entry on the Queer Rights in Kerala weblog states that there is a “vacuum of media coverage and dialogue in Kerala” in regard to the suicide rate among sexual minorities in the state (‘Gayness not all-pervasive’ 2009, *The Pioneer*, 3 July – Attachment 1; Preetha, T. 2009, ‘Pride parade: Many participants from Kerala’, *Express Buzz*, 26 June

<http://www.expressbuzz.com/edition/story.aspx?title=Pride%20parade:%20Many%20participants%20from%20Kerala&artid=no6BjPGI6K0=&type> – Accessed 5 November 2009 – Attachment 2; ‘Meet highlights woes of sexual minorities’ 2008, *The Hindu*, 21 September <http://www.thehindu.com/2008/09/21/stories/2008092153080300.htm> – Accessed 5 November 2009 – Attachment 3; Mohandas, P. 2008, ‘It might be illegal and disputed but Bangalore embraces its gays’, *Mint*, 22 May <http://www.livemint.com/2008/05/22235809/It-might-be-illegal-and-disput.html> – Accessed 4 March 2009 – Attachment 4; Basheer, K. 2008, ‘Sexual minorities’ rally in Kozhikode’, *The Hindu*, 22 October <http://www.thehindu.com/2008/10/22/stories/2008102253850400.htm> – Accessed 5 November 2009 – Attachment 5; ‘Queer Habba: A festival of fun and understanding’ 2009, Citizen News Service website, 18 September <http://www.citizen-news.org/2009/09/queer-habba-festival-of-fun-and.html> – Accessed 5 November 2009 – Attachment 6; ‘Idam: Convention for Sexuality Minorities in Kerala’ 2008, Queer Rights In Kerala weblog, 18 September <http://queerrightsinkerala.wordpress.com/> – Accessed 5 November 2009 – Attachment 7).

Information on state government HIV prevention programs, targeting (among other groups) men who have sex with men (MSM), was found on the Kerala State AIDS Control Society (KSACS) website (‘Targeted Intervention’ (undated), Kerala State AIDS Control Society website <http://www.ksacs.in/suraksha.php> – Accessed 6 November 2009 – Attachment 8).

It may be relevant that the latest US Department of State (USDOS) human rights report states that Kerala became the first state to reserve government jobs for HIV-positive candidates (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – India*, 25 February, Section 5 – Attachment 9).

The USDOS human rights report also has the following information on the situation of homosexuals in India generally:

The law punishes acts of sodomy and bestiality; however, the law was often used to target, harass, and punish lesbian, gay, bisexual, and transgender persons. Gays and lesbians faced discrimination in all areas of society, including family, work, and education. Activists reported that in most cases, homosexuals who did not hide their orientation were fired from their jobs. Homosexuals also faced physical attacks, rape, and blackmail. Police committed crimes against homosexuals and used the threat of arrest to coerce victims into not reporting the incidents (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – India*, 25 February, Section 5 – Attachment 9).

Previous research responses

The Member has previously been provided with RRT *Research Response IND35367*, of 31 August 2009, which provides information about the 2 July 2009 decision by the High Court of Delhi regarding homosexual activity (RRT Research & Information 2009, *Research Response IND35367*, 31 August – Attachment 10).

Research Response IND35548, of 16 October 2009, provides a brief update on the High Court of Delhi decision and the situation for the LGBT community in India (RRT Research & Information 2009, *Research Response IND35548*, 16 October – Attachment 11).

Research Response IND34604, of 6 April 2009, provides the most recent update on the situation for minority sexualities in Bangalore, Mumbai and New Delhi, as well as background information on the range of identities through which men who have sex with men are perceived or represented in India. This response also provides information on the manner in which factors such as class and caste, level of education, level of income and urban or rural location affect the situation for minority sexualities (RRT Research & Information 2009, *Research Response IND34604*, 6 April – Attachment 12).

Kerala – media articles

The following is a selection of recent media reportage on LGBTs in Kerala. The articles are presented in reverse chronological order.

An *Express Buzz* article dated 11 July 2009 reports on the response by members of the LGBT community in different states to the High Court ruling. The article interviews Deepa Vasudevan, a founding member of Sahayatrika, an organisation for lesbians in Kerala:

“I felt very happy and proud,” says Deepa Vasudevan, a founding member of Sahayatrika, an organisation for same-sex loving women in Kerala. “It is a great victory for sexual minorities. The fact that we can have consensual sex with a person of the same sex and not be looked upon as doing a criminal act is a huge plus. This ruling is a big opportunity to speak out about our need for public acceptance,” she says. So what did Deepa think would happen in the state following the ruling? “In Kerala there is a big disparity between the law and popular attitudes,” she says. “I know of many lesbians who have to hide. Women in Kerala are not supposed to have a sexuality, and for same sex women it is worse. It makes it difficult to make a relationship work.” She says the attitude towards sex in Kerala is less conservative and more hypocritical. “So many things happen here,” she says. “It is just that people do not talk about it. For example, people pretend that lesbianism does not exist, but it does.” When asked whether there would ever be social acceptance of the LGBT community in Kerala, Deepa laughs aloud, “It will be a struggle. But when there is more openness about sexuality in society, we will gain acceptance” (Gunasekaran, R. 2009, ‘Dignity, now within reach’,

Express Buzz, 11 July

<http://www.expressbuzz.com/edition/story.aspx?title=Dignity,%20now%20within%20reach&artid=z9sawWqiVr8=&type=> – Accessed 5 November 2009 – Attachment 13)

A 3 July 2009 article in *The Pioneer* reports on reactions in Kerala to the Delhi High Court ruling:

Gay rights outfits, working in secret and in the open, in the State celebrated the court’s verdict. Activists of Chola, a Kannur-based outfit which had been carrying out campaigns for the rights gays, lesbians and hijras to be identified as human beings, and Snehatheeram, a collective body of all sex workers, saw the verdict as the start of a welcome change in the minds of the Judiciary and society.

As per a survey conducted by the Kerala Aids Control Society, there were a minimum of 38,500 male homosexuals in Kerala, of whom 25,000 were living in cities and towns. Kannur alone had 1,352 persons who have openly claimed same-sex orientations. Chola activists said there were several unknown people who belonged to the sexual minorities in Kerala society.

The Catholic Church in Kerala had come out with strong objections against any attempt for decriminalising same-sex relationship immediately after reports about thinking on these lines in the UPA Government had come out. However, Union Law Minister Veerappa Moily last Sunday had promised that any such move would be made only after extensive talks with all concerned, especially the Church.

The Church equates homosexuality to theft and murder and was not ready to accept the arguments of those whom it called 'patients' of an 'immoral' disease ('Gayness not all-pervasive' 2009, *The Pioneer*, 3 July – Attachment 1).

A 26 June 2009 *Express Buzz* article reports on a "Pride March" held in Bangalore (Karnataka). The article states: "Though Kerala society has not yet accepted these queer lives, a handful of persons from the state are participating". The article also quotes Deepa of the lesbian association Sahayatrika, who states that sexual minorities in Kerala "are so harassed that they are forced to leave Kerala for other states". The article also quotes M K Rajasree, co-ordinator of Human Rights Law Network in Alappuzha who has worked as a counsellor for sexual minorities, who states that sexual minorities in Kerala "face a lot of harassment in the name of law and are continually persecuted":

The march, organised to make people aware of such groups and be able to accept them as they are, was held for the first time in the country last year. It is yet another reminder that sexual minorities continue to be harassed, tortured and delineated even though our society has made great leaps towards development in all aspects.

"The march is a means to highlight the fact that society just ignores the existence of sexual minorities," says Deepa Vasudevan, co-founder of 'Sahayatrika', the association for lesbians. Deepa will attend the march in Bangalore along with three others.

"This year the organisers have planned a slew of activities including dance programmes and discussions.

There are a lot of issues including legal protection which should be addressed by all," says Deepa.

This sexual minority community had planned to conduct a march in Kozhikode last year but had to cancel at the last minute.

This year too the pride marches in other metros have met with stiff opposition from religious and cultural organisations.

The march is taken out to mark the day when the New York police raided a gay bar on June 28, 1969, which led to widespread protest and violence.

"The Constitution clearly asserts that there should not be any gender bias and a person has the right to choose his sexuality. But look at what is happening in our state. These people are so harassed that they are forced to leave Kerala for other states.

They do not have any existence here," says Advocate M K Rajasree, co-ordinator of Human Rights Law Network in Alappuzha who has worked as a counsellor for sexual minorities.

“What we need is a repeal of laws that discriminate against these people. They face a lot of harassment in the name of law and are continually persecuted.” “There should be changes in the law to end this stigma and discrimination,” she says. The group from Kerala feels that the march and the week-long colourful programmes will help to increase the visibility of this group which leads a life of oppression, whether they be lesbians, gays, transgenders or bisexuals (Preetha, T. 2009, ‘Pride parade: Many participants from Kerala’, *Express Buzz*, 26 June <http://www.expressbuzz.com/edition/story.aspx?title=Pride%20parade:%20Many%20participants%20from%20Kerala&artid=no6BjPGI6K0=&type> – Accessed 5 November 2009 – Attachment 2).

According to a 17 June 2009 *Hindustan Times* article found on the Global Gayz website, Kerala is one of the “preferred” holiday destinations for foreign gay tourists:

Syed, manager of Online Car Rental India, another company wooing the ‘pink dollar’ — as gay spend is called — tells us about the preferred destinations. “Rajasthan, Goa and Kerala are a hit among foreigners.” Prakash adds, “They usually want secluded beaches and private spaces like houseboats and forest accommodation.” The staff at these places are trained not to intrude on the guests’ privacy. All this comes at pretty affordable prices (Ahuja, R. 2009, ‘India woos gay tourists’, Global Gayz website, source: *Hindustan Times*, 17 June <http://www.globalgayz.com/country/India/view/IND/gay-india-news-and-reports-jun-dec-2009#article7> – Accessed 5 November 2009 – Attachment 14).

A November 2008 *Express Buzz* article details the problems faced by transgenders in Kerala. The article quotes Dr K Girish, clinical psychologist at the state-owned mental health centre in the Kerala capital, who states: “Kerala lacks the cultural climate that accepts the presence of a third gender. It’s unlike north India, where there are many myths that add to their traditional and religious acceptability.” Dr Girish recounts an incident in which he received threats from an unnamed political party in Kerala for inviting a transgender to take part in his show on a TV channel:

“She came decked up in her finest kanjeevaram and gold and opened up before the camera pouring out her hopes and ambitions, upsetting many but angering some.

“The very next day, I got a threatening call from the local unit of a political party asking me to stay away from ‘promoting aberrations and corrupting youth’. That is the situation in Kerala,” he smiles (Sudhish, N. 2008, ‘Lives rarely told of social rejection and frustration’, *Express Buzz*, 15 November <http://www.expressbuzz.com/edition/story.aspx?Title=Lives+rarely+told+of+social+rejection+and+frustration&artid=3AzKlGlzWf4=&SectionID=f4OberbKin4=&MainSectionID=f4OberbKin4=&SEO=kerala,+transgenders&SectionName=cxWvYpmNp4fBHAEKn3LcnQ==> – Accessed 5 November 2009 – Attachment 15).

An October 2008 *Hindu* article reports on plans for the first joint public rally of gays, lesbians and Hijras [traditional transvestites] which was to be held in Kerala in November 2008 [information from the above 26 June 2009 *Express Buzz* article indicates that the rally ended up being cancelled at the last minute]. The *Hindu* article states that there is “a conspiracy of silence about sexual minorities in Kerala and people pretended that gays, lesbians and transsexuals did not exist in the State”. The article also states: “organisers pointed out that while Hijras were visible and tolerated in most parts of India, they were scared even to visit Kerala because of unbearable social taboos. Most of the Keralite Hijras had migrated to Chennai, Bangalore, Mumbai and other cities”. Further: “Lesbians, gays and Hijras...find it extremely difficult to have a social space in Kerala”:

The first joint public rally of gays, lesbians and Hijras in Kerala will be taken out in Kozhikode on November 13, marking the first organised coming out of the sexual minorities of a State where there is no socio-cultural space for them.

The rally and a public meeting, organised by a dozen bodies that work for the human rights protection of sexual minorities, are being held against the backdrop of a nationwide debate on decriminalising homosexuality.

...The rally and meeting will demand the repeal of Section 377 of the Indian Penal Code which prescribes harsh punishment for homosexuality. The organisers said it was odd that at a time when many countries had legalised homosexual marriage, India should still keep a one-and-a-half-century-old law formulated by the British on its statute.

(Section 377 of IPC says: "Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.")

Support

Several progressive social organisations, such as the All-India Democratic Women's Association, the CPI(M)'s women's wing, have supported the demand for decriminalising homosexuality.

The Delhi High Court is currently hearing a public-interest litigation seeking to drop Section 377 from the penal code. While the Union Health and Family Welfare Ministry supports the plea, the Home Ministry opposes it. On Wednesday, the court pulled up the Home Ministry for relying on religious texts to justify the ban on homosexual sex and asked it to present scientific evidence.

Deepa V.N., who set up Sahayatrika, a helpline for lesbians, told The Hindu that the November 13 event would bring the problems faced by sexual minorities to the public sphere.

Conspiracy of silence

There was a conspiracy of silence about sexual minorities in Kerala and people pretended that gays, lesbians and transsexuals did not exist in the State, she rued. "We need to talk about sexual rights as we do about any other fundamental rights," she said. "The politics of sexuality cannot wait till all the problems related with globalisation and unemployment are solved forever."

The organisers pointed out that while Hijras were visible and tolerated in most parts of India, they were scared even to visit Kerala because of unbearable social taboos. Most of the Keralite Hijras had migrated to Chennai, Bangalore, Mumbai and other cities.

Lesbians, gays and Hijras, the organisers said, find it extremely difficult to have a social space in Kerala.

There had been several instances of lesbian suicides in Kerala over the years. Recently, a gay couple was forced to commit suicide in Ernakulam district.

K. Sanjesh, a project coordinator for the organisation FIRM, said that the rally and the meeting were a continuation of the recent such events held in Mumbai, Kolkata, Bangalore and Delhi to highlight the human rights of sexual minorities and to demand the repeal of Section 377.

He hoped the event would start a process to lift the stigma about homosexuality (Basheer, K. 2008, 'Sexual minorities' rally in Kozhikode', *The Hindu*, 22 October <http://www.thehindu.com/2008/10/22/stories/2008102253850400.htm> – Accessed 5 November 2009 – Attachment 5).

An October 2008 article on the Global Gayz website reports on the situation for transsexuals in Kerala, stating that “[t]hough transsexual people face harassment and ridicule everywhere in the country, in Kerala it is worse”. An NGO worker is quoted as stating that “[t]he State has a stiff upper lip when it comes to sexual minorities”:

Though transsexual people face harassment and ridicule everywhere in the country, in Kerala it is worse. Because of the stigmatisation, there are no Hijra communities in Kerala as in other States. “Most Keralites do not even recognise that there could be transsexual people in Kerala’s population like in any human population in any part of the world,” says Sunil Menon, founder of the Chennai-based NGO, Sahodaran. “The State has a stiff upper lip when it comes to sexual minorities and it is a really stifling place for transsexuals.” As a result, he points out, transsexual people either migrated to other States where there are social spaces for them, or lived anonymously and invisibly in their personal hells in Kerala (Basheer, K. 2009, ‘Where have Kerala’s Hijras gone?’, Global Gayz website, source: *The Hindu*, 11 October <http://www.globalgayz.com/country/India/view/IND/gay-india-news-and-reports-2008-july-oct#article22> – Accessed 5 November 2009 – Attachment 16).

A September 2008 *Hindu* article reports on a convention for sexual minorities in southern India which was held in Kerala. The article states that sexual minorities in Kerala “are among the most marginalised in the country”. Speakers at the convention “pointed out that though Kerala had achieved progress on several social fronts, sexual minorities continued to be harassed, tortured and delineated. As a result, many of them, especially transsexuals, were forced to migrate to neighbouring states”. The article continues:

“The sexual minorities are not just a marginalised section, their very existence is challenged by society,” said M. K. Rajasree, a researcher at the Centre for Development Studies(CDS), Thiruvananthapuram.

A CDS study had found that all development interventions by the government, including Kudumbasree, had excluded the sexual minorities.

For them, the life is a tumultuous journey towards a reinvented selfhood.

“Even our legal system does not tolerate this community. Section 377 of the Indian Penal Code criminalises homosexuality,” said Ponni of Alternative Law Forum, Bangalore.

“The fear of being exposed and expelled from the family and society is the first challenge faced by each member of our group,” said Sunil Menon from Chennai-based organisation ‘Sahodaran’.

Regular verbal and physical abuse by the society creates a negative attitude in sexual minorities towards life and affects their self-esteem. Ridiculed by family and friends many were driven to suicide, he said.

Even the basic rights of a citizen have been denied to us, said Sanjesh, an activist of the Kozhikode-based ‘Firm’.

“We are not allowed to walk free on the road or sit at the bus shelter,” he says (‘Meet highlights woes of sexual minorities’ 2008, *The Hindu*, 21 September

<http://www.thehindu.com/2008/09/21/stories/2008092153080300.htm> – Accessed 5 November 2009 – Attachment 3).

A 2002 *Outlook India* article reports on attitudes towards gays and lesbians in Kerala. This states that: “Kerala has only a progressive veneer. You only need to scratch its skin to see that notions of alternate sexuality and associated terms like gay and lesbian – supposed to be acceptable forms of sexual behaviour in an emancipated collective consciousness – are pejoratives” (Menon, L. 2002, ‘In A Sex Warp’, *Outlook India*, 18 November <http://www.outlookindia.com/article.aspx?217938> – Accessed 5 November 2009 – Attachment 17).

Weblogs/Chatrooms

An article found on an archived LGBT discussion group mailing list advertising the November 2008 rally which was to be held in Kerala has the following information on attitudes towards sexual minorities in Kerala. The article notes: that Kerala media coverage of gay issues is lacking; that the mainstream political parties in Kerala “are yet to identify or acknowledge the politics of queer activism”; that LGBTs are “viewed as objects of curiosity and fun that attracts the media attention”; that a number of lesbian couples have committed suicide in the state, which also has received little media coverage; and that many LGBTs choose to migrate from Kerala. On a positive note, the article does state that “the Kerala Government is extremely keen reaching out to homosexual/bisexual men to use them for HIV prevention initiatives”:

The question of sexual rights occupies limited spaces of socio-political discourse in Kerala. The mainstream political parties here are yet to identify or acknowledge the politics of queer activism.

We seem to have reached a point that no political movement can move ahead unless the conspiracy of silence about sexuality is broken. The politics of sexuality cannot wait till all the problems related with globalization and unemployment are solved forever. We need to talk about sexual rights as we do about any other fundamental rights.

Kerala is one of the very few states in India where the CPI(M) has been most active over the years. It would be interesting to juxtapose this with the fact that in September 2003, All India Democratic Women’s Association (the women’s faction of CPI(M)) had sent a note to the Indian Govt. to scrap IPC 377. But one doesn’t seem to have reached its own cadres in Kerala even after 5 years.

Section 377 of IPC is challenged in the Delhi High Court and the final hearings are on now. Large scale sexual minority mobilizations took places in Bangalore, Mumbai, Delhi and Kolkata in the recent past demanding the repeal of IPC 377. This brought about enormous media coverage all over India but not in Kerala. While the Kerala Government is extremely keen reaching out to homosexual/bisexual men to use them for HIV prevention initiatives, one can clearly notice that there is absolute disregard for their human rights.

Hijras are visible and tolerated in most parts of India. Meanwhile, they are scared even to visit Kerala for a short-time. Most of the Keralite hijras migrate and live in Chennai, Bangalore, Mumbai and other parts of India. They are forced to present themselves in male attire when they visit their families in Kerala.

Lesbians or gays or transgenders find it extremely difficult to have social space in Kerala. They are viewed as objects of curiosity and fun that attracts the media attention. There have been many an instances of lesbian suicides in Kerala over the years. The situation is such, that

if they are to make a living, they would have to migrate to other states in India. The media mostly chooses to ignore such issues, preventing them from becoming a matter of public debate. Recent suicide of a gay couple in Ernakulam attracted very little media coverage. Most progressive groups in Kerala too ignored this ('Breaking the Silence – Sexual Minorities Come Out in Kerala on 13th November 2008 (Thursday), Calicut' 2008, Archived LBGTDiscuss Mailing List, 16 October <http://www.mail-archive.com/lgbtdiscuss@googlegroups.com/msg00160.html> – Accessed 6 November 2009 – Attachment 18).

A June 2008 entry on the Queer Media Watch weblog includes a translation of an article from a Malayalam-language paper. The article reports on the apparent suicide of a gay couple in Kerala:

A youth, running a barber shop and his friend, a student, have been discovered dead due to burns in a rented house.

Sivanarayanan (32), from Perumbilavu in Trichur, presently residing near Ajantha Theatre in Pandikkudi, Mattanchery (Kochi) and Deepak (17), son of Sriakesh, R.G. Pai Road, are the deceased and their badly charred bodies were spotted in a room of the rented house Sivanarayanan had been occupying. The incident seems to have taken place at around 3 am on Thursday (26th). Both the bodies have been completely burnt. Police recovered a petrol can from the precincts. Police assumes that the two, who were intimate friends, had committed suicide together.

Deepak's family had been objecting to his relationship with Sivanarayanan. As a result, Deepak had even attempted to run away from his house a few days back, says the police.

On Wednesday, Deepak had been watching TV till 12 at night and must have sneaked out after that to go to Sivanarayanan's house. Police added that he had even created a human shape on his bed with a pillow and covered it with a blanket to avert the suspicion of his family, before leaving the house.

The police come to the conclusion that the trauma caused by his family's discovery of his unnatural relationship with Sivanarayanan must be the reason for his suicide ('Youth and student immolate themselves' 2008, Queer Media Watch, 27 June <http://qmediawatch.wordpress.com/2008/06/27/youth-and-student-immolate-themselves/> – Accessed 5 November 2009 – Attachment 19).

2. Please provide information on the attitude of the Latin Catholic Church in India and in particular the Kerala Catholic Students League and the Indian Catholic Youth Movement towards homosexuals.

As might be expected, the Catholic Church in India, including in Kerala, is not accepting of homosexuality. Recent articles report on the Church's response to the High Court ruling decriminalising gay sex. A church leader from Kerala quoted in a 30 July 2009 article on the Catholic Bishops' Conference of India (CBCI) website emphasises that homosexuality: "contradicted human nature", "is immoral and is against the divine law and the nature of mankind", "ran counter to the teachings of Jesus Christ", and "is perversion of sexuality. Hence idealising such perversions causes anarchy in society which in the long run will destroy human existence itself". A church spokesman quoted in a 1 July 2009 *Indian Express* article states that homosexuality: "is intrinsically immoral", "is against the teachings of the Catholic Church, and gay marriages and sexual relation between persons of the same gender

could not be allowed”, and the “[r]ights of homosexuals is in itself a misnomer”. Church leaders in both articles do emphasise, however, that the Church has a sympathetic approach to homosexuals. Archbishop Andrews Thazhath of Thrissur states that homosexuals “are sick to a great extent”, and “they must be accepted with respect, compassion and sensitivity... Every sign of unjust discrimination in their regard should be avoided”. In the *Indian Express* article the Church spokesman “said the Church had always been sympathetic towards homosexuals and that they should be nursed back to normalcy through proper treatment and counselling” (‘Homosexuality Contradicts Human Nature: Kerala Bishops’ 2009, Catholic Bishops’ Conference of India website, 30 July <http://www.cbci.org/cbcnews3036.htm> – Accessed 5 November 2009 – Attachment 20; ‘Church against legalising homosexuality’ 2009, *Indian Express*, 1 July <http://www.indianexpress.com/news/Church-against-legalising-homosexuality/483404> – Accessed 5 November 2009 – Attachment 21).

Very little information was found specifically on the attitude of the Kerala Catholic Students League (KCSL) and/or the Indian Catholic Youth Movement (ICYM) (or the Kerala Catholic Youth Movement (KYCM)) towards homosexuals. A 13 July 2009 article in *The Hindu* reports on a KYCM conference in which the youth movement “adopted resolution against decriminalising homosexuality”. A 13 July 2009 entry on the weblog of the KYCM Archdiocese of Verapoly states: “The KYCM very clearly stated its protest against the Central Governments plans to legalize the Homosexuality by wrapping the eyes with the black ribbon and took the pledge to uphold the Christian values and ethics” (‘Youth movement to protest against textbooks’ 2009, *The Hindu*, 13 July <http://www.thehindu.com/2009/07/13/stories/2009071354490300.htm> – Accessed 5 November 2009 – Attachment 22; ‘KYCM Leaders Meet 2009’ 2009, KYCM Archdiocese of Verapoly Web Log, 13 July http://kymverapoly.blogspot.com/2009_07_01_archive.html – Accessed 5 November 2009 – Attachment 23).

No reports of attacks on homosexuals by Catholic groups or individuals, or any other groups or individuals, were found within the time available.

A 2 July 2009 article found on the WorldWide Religious News website reports on the reaction of the Catholic Church in India to the high court verdict decriminalizing homosexuality. The article interviews a spokesman of the Catholic Bishops’ Conference of India, who states that the “Church agrees that it is a right and appropriate to remove the stigma of ‘criminality’ associated with homosexuality. At the same time, it cannot agree that it is a socially normal form of behaviour”. The article notes that Hindu and Muslim religious leaders also reacted negatively to the court’s decision. The article states:

“Homosexuals should not be thrown in jail or discriminated on the basis of their orientation,” said Father Babu. “However, their behaviour cannot be considered normal. The facts are that homosexuality is against the natural order and anything that goes against the natural order does not last over time and will have a negative impact on the lives of people and society.”

Never the less, the CBCI spokesman is “rather surprised by the Delhi High Court because in a society like that of India, which is very traditional and holds traditional family values in high esteem, this kind of ruling is bound to bring some surprises.”

“The Church has consistently opposed gay relationships, gay marriages and homosexual activities, for the reason that the Church considers the ‘family’ as something sacred and as the basic unit of society,” Father Joseph explained.

“A family is composed of a man and a woman who share a complimentary nature and through

whom a new generation is brought forth to be sustained in society. This basic unit of society, namely the family, cannot be violated.”

For him “homosexuals or those who support homosexual demands want to redefine the family, something which cannot be sustained on the long run.”

Indeed “the CBCI’s position is quite clear. First, we cannot approve of such behaviour. Secondly, we cannot accept that a form of behaviour by a miniscule section of society can be accepted as a ‘social norm’, because this will have a negative influence on the lives and behaviour of people and might open the floodgates for licentious conduct.”

Responding to those who claim that the Court’s decision is meant to protect individual rights, Father Joseph said that “society has the right to consider the ethical and moral aspects in an individual’s life. Legality is one thing, but there is also something more in human life than legality like ethics and morality. It is on this basis that the Church finds this judgement unacceptable” (Carvalho, N. 2009, ‘For Indian Church homosexuality is not a crime but cannot become a social norm’, WorldWide Religious News website, source: *Asia News*, 2 July <http://www.wwrn.org/article.php?id=31251&sec=4&con=18> – Accessed 5 November 2009 – Attachment 24).

The full article on the Catholic Bishops’ Conference of India website, dated 30 July 2009, follows below:

Archbishop Andrews Thazhath of Thrissur said the Church was totally against legalising homosexuality as it ‘contradicted human nature’.

Thazhath, also the secretary of the Kerala Catholic Bishops’ Council (KCBC), “homosexuality is immoral and is against the divine law and the nature of mankind”.

Homosexuality ran counter to the teachings of Jesus Christ which wanted to bring back sexuality and marriage to their pristine purity, he added.

The archbishop said the Church was also against the existing legal permission for divorce as “what God has joined together, no human must separate”.

Marriage is a sacrament according to Christian Faith and not a civil contract, he said. The Church’s catechism made it abundantly clear that “homosexual acts are intrinsically disordered”. “They are contrary to the natural law. They close the sexual act to the gift of life. They do not proceed from a genuine, affective and sexual complementarity. Under no circumstances can they be approved,” the archbishop asserted.

The Church, however, had a sympathetic approach towards homosexuals who are sick to a great extent, Thazhath said adding, “they must be accepted with respect, compassion and sensitivity”. “Every sign of unjust discrimination in their regard should be avoided.”

The archbishop said, “God created humankind as man and woman and ordered to multiply and, therefore, sexual relation is basically heterosexual. Homosexuality is perversion of sexuality. Hence idealising such perversions causes anarchy in society which in the long run will destroy human existence itself” (‘Homosexuality Contradicts Human Nature: Kerala Bishops’ 2009, Catholic Bishops’ Conference of India website, 30 July <http://www.cbcsite.com/cbcinews3036.htm> – Accessed 5 November 2009 – Attachment 20).

The pertinent extracts of *The Indian Express* article of 1 July 2009 are set out below:

The Catholic Church in Kerala is up in arms against the proposal of the Congress-led Central Government to de-criminalise homosexuality. The Centre's proposal to repeal Section 377 of the Indian Penal Code has not found favour with the Catholic Church, already at loggerheads with the CPM-led LDF Government in the state on proposed law reforms that included legalising mercy killing and persuading couples from having a third child.

Church spokesperson Fr Paul Thelakkattu has said that homosexuality is intrinsically immoral and the Church will not accept the move to legalise it. Homosexuality is against the teachings of the Catholic Church, and gay marriages and sexual relation between persons of the same gender could not be allowed, he added.

Fr Thelakkattu said the Church had always been sympathetic towards homosexuals and that they should be nursed back to normalcy through proper treatment and counselling.

He said the Government move would mean giving license to the sexual perversions of a section of the society. Rights of homosexuals is in itself a misnomer, said the Church spokesperson ('Church against legalising homosexuality' 2009, *Indian Express*, 1 July <http://www.indianexpress.com/news/Church-against-legalising-homosexuality/483404> – Accessed 5 November 2009 – Attachment 21).

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