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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

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A STUDY ON THE RIGHTS OF LGBTQIA+ CHILDREN IN OUR SOCIETY AND COMMUNITY

AUTHORED BY - KHUSHI AMRUTH¹

Abstract:

For many years, the LGBTQIA+ ²community has campaigned to have their basic human rights recognised and upheld. Because of their sexual orientation, gender identity, and mode of expression, the community has experienced prejudice, marginalisation, and even violence. In spite of obstacles, the LGBTQIA+ community has made enormous strides towards securing its rights throughout the world, especially in our society and community. The study has been conducted using the empirical research method where the quantitative method of survey is used. The sample size of the population is 206. Every member of the population has an equal probability of being chosen when the samples are drawn using simple random sampling. Independent variables are: Age, gender, occupation, educational qualifications, area of settlement of the sample population. The dependant variables are the population's personal opinions and views on the topic. The statistical tool used Graphical representation. [using the SPSS software] and the chi square test. Through this research the three objectives that were set in the beginning were met. Nonetheless, recent years have seen some positive developments. The Transgender Persons (Protection of Rights) Act of 2019³ provided some legal protections and recognition for transgender individuals. In 2014, the Indian government recognized transgender individuals as a "third gender." However, many transgender people and activists have criticized the Act, claiming that it does not go far enough to protect transgender people's rights and may actually perpetuate discrimination and marginalization. Individuals who identify as transgender or gender non-conforming have the right to express and have their gender identity respected and

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² Abbreviation for Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, and Asexual. The additional "+" stands for all of the other identities not encompassed in the short acronym.

³ The 2019 Act allows the transgender person to be recognised as such and allows to have a self-perceived gender identity.

acknowledged by society. This includes the legal recognition of their gender and the right to healthcare. For transgender and gender nonconforming people to live and thrive, our society and community must work toward creating a more inclusive environment.

Keywords: Rights, LGBTQIA+, inclusive, parents, discrimination

Introduction:

The LGBTQIA+ community's rights have been the subject of ongoing debate and struggle in India. Section 377 of the Indian Penal Code⁴, a colonial-era law that prohibited same-sex relationships, criminalized homosexuality in India historically. However, Section 377 was declared unconstitutional by the Indian Supreme Court in 2018 and overturned, effectively making homosexuality illegal in India. The LGBTQIA+ community in India continues to face discrimination and marginalisation despite this historic decision. The Indian government does not recognize relationships between people of the same sex and does not yet allow for same-sex marriage. Healthcare, employment, and housing discrimination may also affect LGBTQIA+ individuals. Transgender people in particular face significant obstacles, such as a lack of access to employment opportunities, education, and healthcare. The LGBTQIA+ community has fought for years to have their fundamental human rights recognized and protected. Due to their sexual orientation, gender identity, and expression, the community has been subjected to discrimination, marginalisation, and even violence. The LGBTQIA+ community has made significant strides toward securing their rights in many parts of the world, including our community and society, despite the difficulties. Marriage equality is one of the LGBTQIA+ community's most important rights. Community members ought to be able to wed, and the law ought to recognize and safeguard those marriages. Although same-sex marriage is now recognized in many countries, there are still some. We need to make sure that all people, regardless of their sexual orientation or gender identity, have the right to marry in our community and society. Insurance from separation is one more significant part of the freedoms of the LGBTQIA+ people group. Oppressing individuals in view of their sexual direction or orientation is as yet an issue in many regions of the planet. People should be protected from being discriminated against in employment, housing, and education by laws and policies.

⁴ consensual sexual intercourse between same-sex people as an “unnatural offence” which is “against the order of nature”

Objectives:

- A. Understanding the experiences and challenges faced by LGBTQ individuals.
- B. Examining the impact of policies and laws on LGBTQ individuals.
- C. Exploring the diversity within the LGBTQ community.
- D. Identifying effective interventions and support systems: Finally, LGBTQ research aims to identify effective interventions and support systems for LGBTQ individuals.

Review of literature:

Harvard Journal of Law and Gender⁵, 40(2), 407-426. This article critiques the mainstream, rights-based approach to LGBTQ activism for not adequately addressing the intersections of oppression faced by many LGBTQ individuals. **Journal of Interdisciplinary Studies in Law**⁶, 7(1), 98-109. This article examines the legal framework around intersex rights in India, including recent court cases and the need for further legal protections. **Franks, M. A. (2019)**. ⁷“We’re here, we’re queer”: The role of pride festivals in the fight for LGBTQ rights. *Communication Quarterly*, 67(3), 259-280. This article examines the history and role of pride festivals in the LGBTQ rights movement, including their importance as sites of resistance and celebration. **González, J. M. (2018)**⁸. Beyond marriage equality: The struggle for LGBT rights in Ecuador. *Latin American Perspectives*, 45(4), 70-87. This article examines the struggle for LGBTQIA+ rights in Ecuador beyond the legalization of same-sex marriage, including ongoing discrimination and violence faced by many. **Lerner, M. (2017)**.⁹ The fight for LGBTQ equality in Africa. *Foreign Policy*, (218), 76-82. This article discusses the challenges and successes of the LGBTQ rights movement in various African countries, including legal and social barriers faced by activists. **Mereish, E. H., & Poteat, V. P. (2015)**.¹⁰ Let’s get physical: Sexual orientation disparities in physical activity, body image, and obesity among diverse US adults and youth. *Journal of Behavioral Medicine*, 38(1), 23-34. This article examines disparities in physical activity, body image, and obesity among LGBTQ individuals in the United States, highlighting the importance of addressing these health disparities. **Smith, A. M., & Matthews, A. K.**

⁵ 40(2), 407-426.

⁶ 7(1), 98-109.

⁷ *Communication Quarterly*, 67(3), 259-280

⁸ *Latin American Perspectives*, 45(4), 70-87

⁹ *Foreign Policy*, (218), 76-82.

¹⁰ *Journal of Behavioral Medicine*, 38(1), 23-34.

(2017)¹¹. Intersectionality and the LGBT population: A framework for advancing health research. American Journal of Public Health, 107(6), 918-924. This article introduces an intersectional framework for understanding the health experiences of LGBTQIA+ individuals, highlighting the importance of addressing multiple social identities and intersections of oppression. **Stotzer, R. L., & Herman, J. L. (2018)**¹². Sexual orientation and gender identity change efforts: Survey results of mental health professionals from fifty states. Journal of Homosexuality, 65(5), 635-650. This article presents survey results on the practices and attitudes of mental health professionals regarding sexual orientation and gender identity change efforts, also known as conversion therapy. The study finds that most mental health professionals oppose conversion therapy and do not support efforts to change a person's sexual orientation or gender identity.

Methodology:

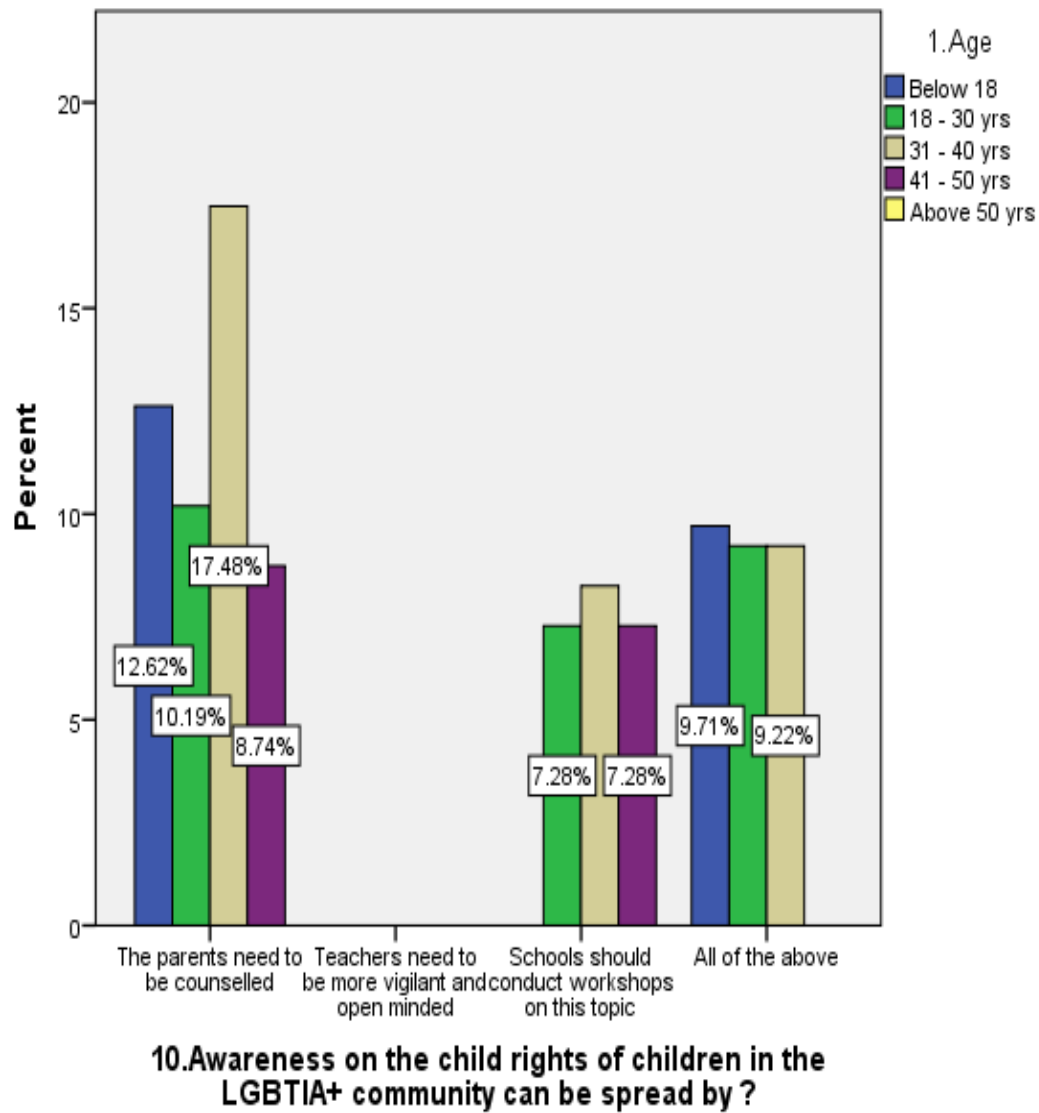
The study has been conducted using the empirical research method where the quantitative method of survey is used. The sample size of the population is 206. Every member of the population has an equal probability of being chosen when the samples are drawn using simple random sampling. Independent variables are: Age, gender, occupation, educational qualifications, area of settlement of the sample population. The dependant variables are: Correlation between IQ and crime, pros and cons of education, uneducated vs educated committing crimes and of various age groups, balancing the impact of education on crime. The statistical tool used: Graphical representation. [using the SPSS software].

¹¹ American Journal of Public Health, 107(6), 918-924.

¹² Journal of Homosexuality, 65(5), 635-650

Graphical representation:

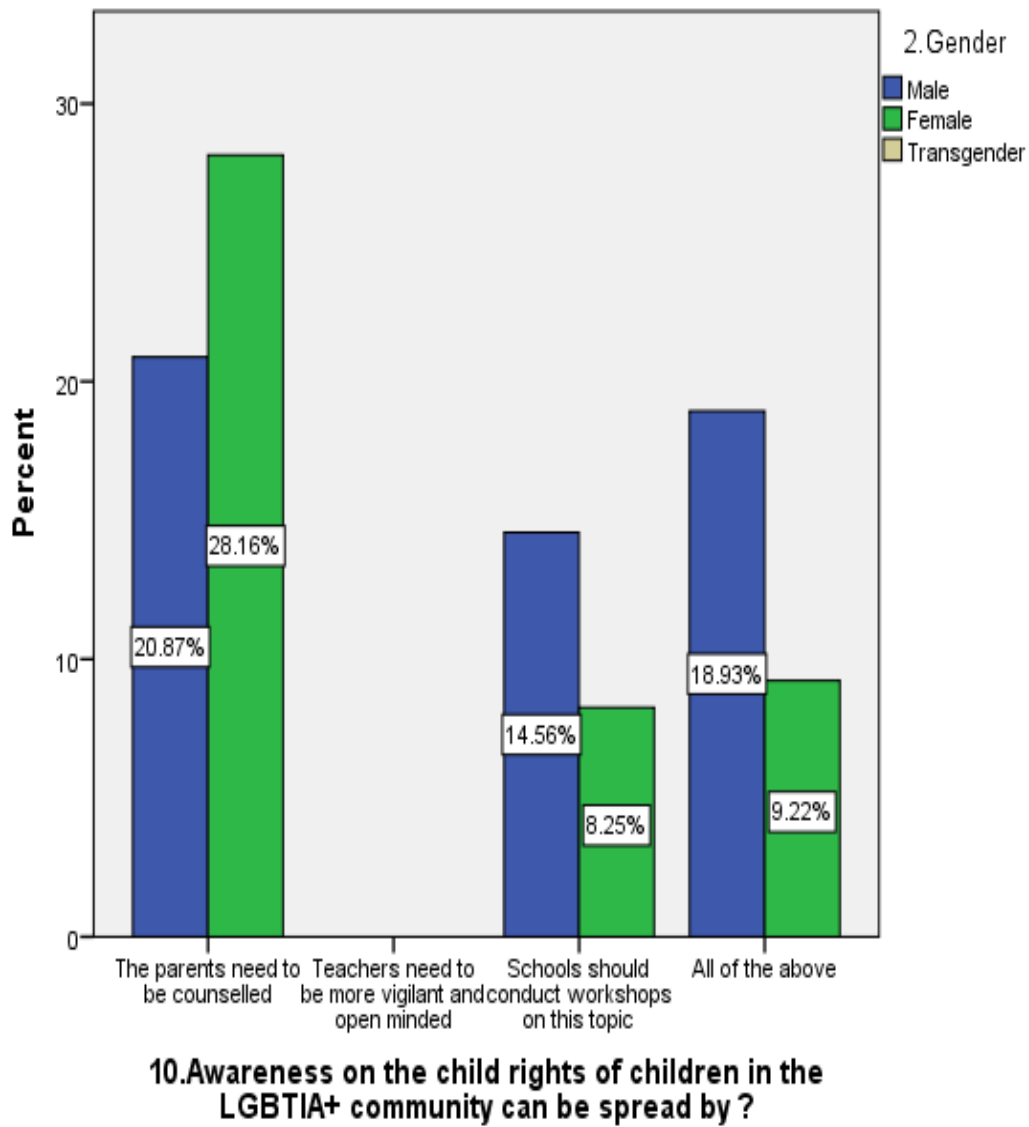
Graph 1:



Legend:

Graph 1 shows the relationship between age and methods to spread awareness on the rights of children belonging to the LGBTQIA+ .17.48% of those from 31-40 yrs believe that the parents need to be counselled.

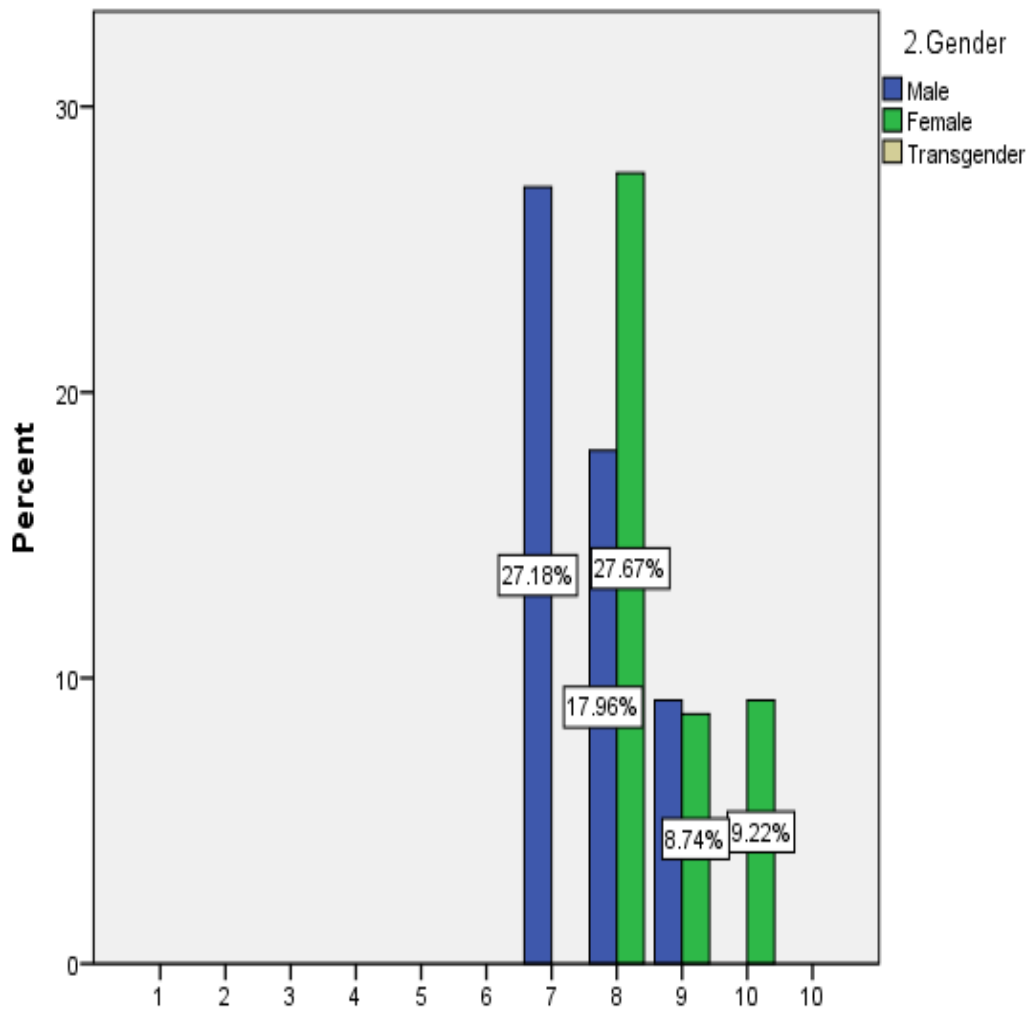
Graph 2:



Legend:

Graph 2 shows the relation between gender and methods to spread awareness on the rights of children belonging to the LGBTQIA+ .28.16% of those from females believe that the parents need to be counselled.

Graph 3:

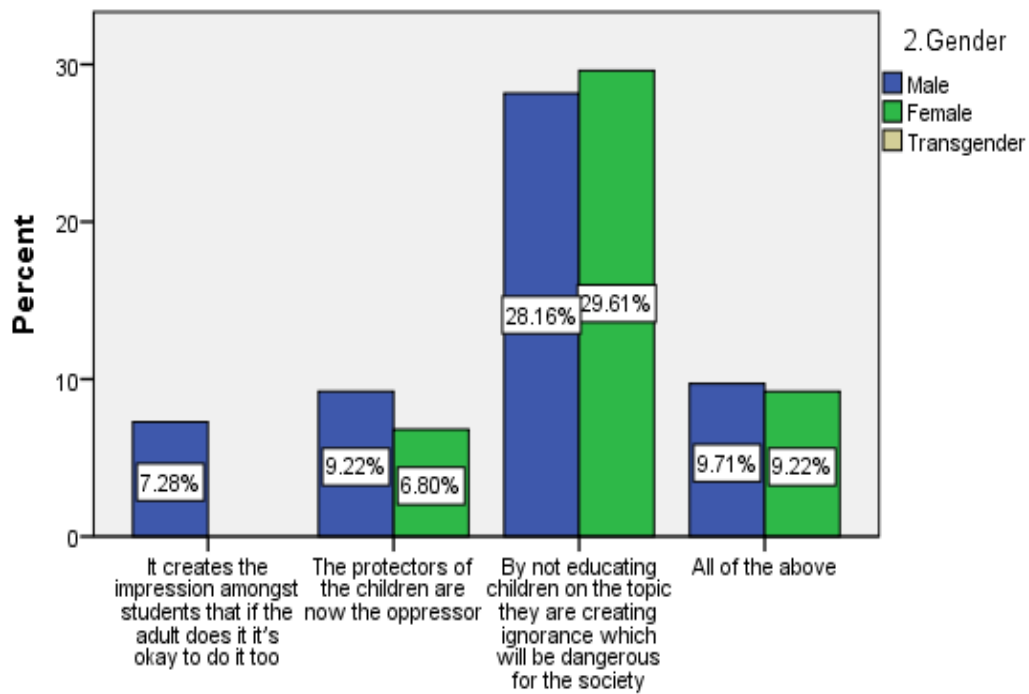


9. On a scale from 1-10 ,change needs to come from teachers and the manner in which they deal with instances of bullying and harassment in class.

Legend:

Graph shows the relation between gender and the level of change that should come from the teachers when they deal with bullying and harassment in class. 27.67% of Female chose 8 out of 10.

Graph 4:

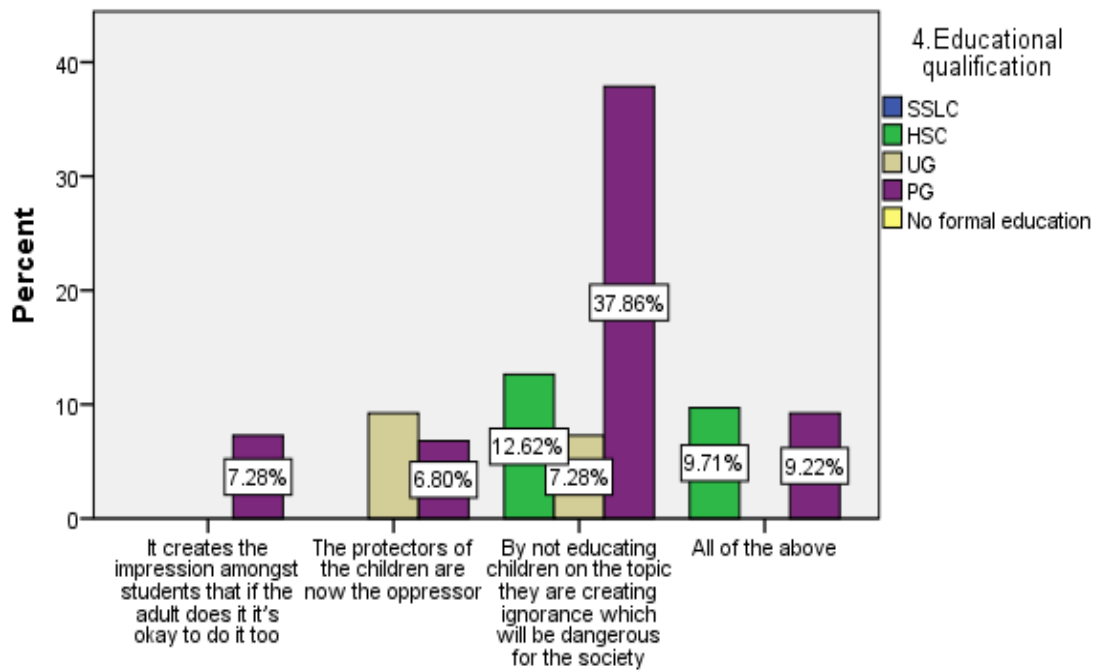


8. "If educators are homophobic, they enable bullying", because.

Legend:

Graph 4 shows the relation between gender and "if educators are homophobic they enable bullying", 29.61% of females believe that by being homophobic they enable bullying by creating ignorance.

Graph 5:

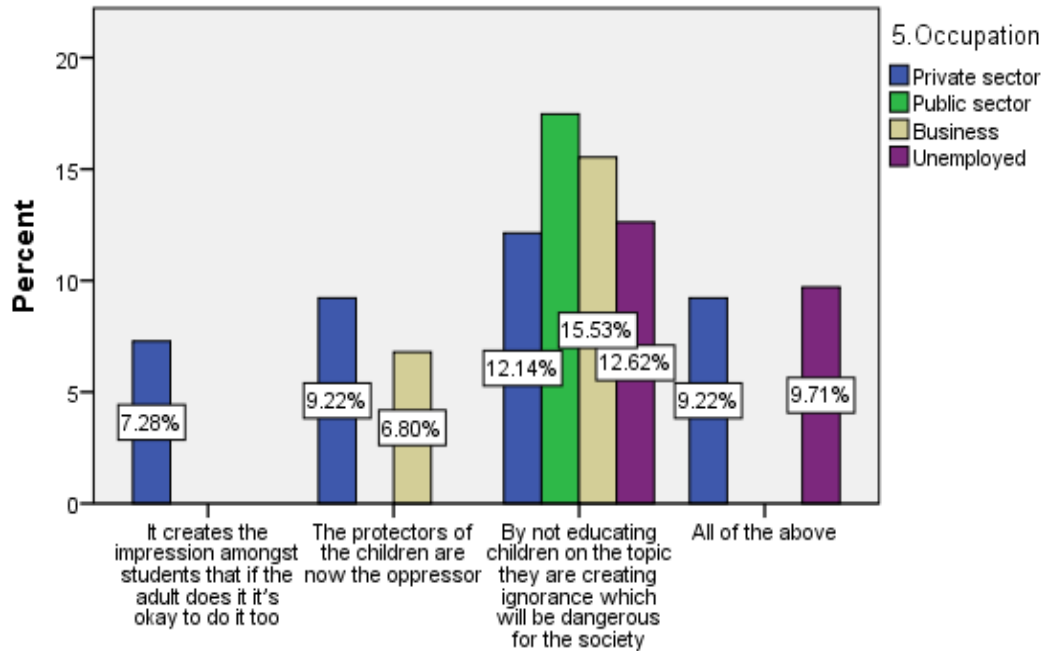


8. "If educators are homophobic, they enable bullying", because.

Legend:

Graph 5 shows the relationship between educational qualifications and if educators are homophobic they enable bullying",37.86% of PG students believe that by being homophobic they enable bullying by creating ignorance.

Graph 6:

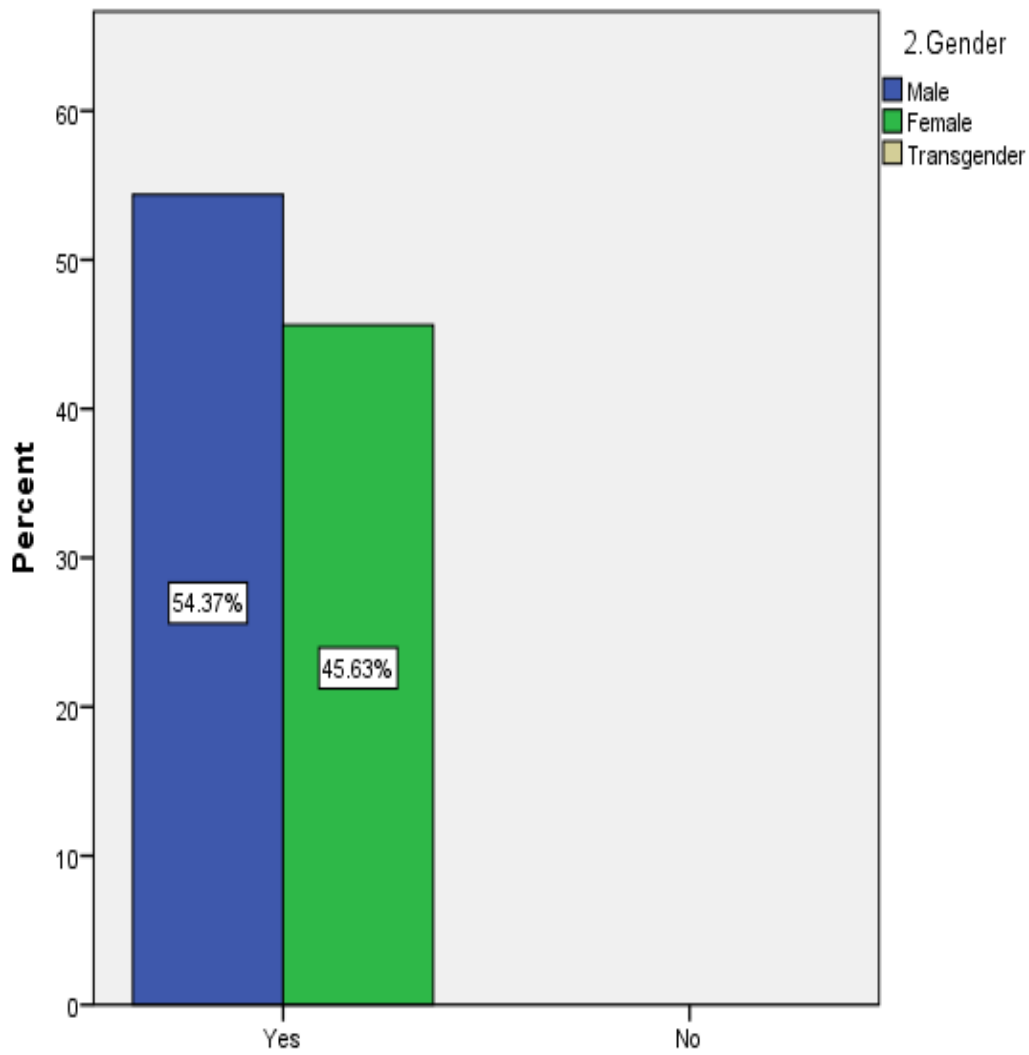


8. "If educators are homophobic, they enable bullying", because.

Legend:

Graph 6 shows the relationship between educational qualifications and if educators are homophobic they enable bullying",15.53% of those in the public sector believe that by being homophobic they enable bullying by creating ignorance.

Graph 7:

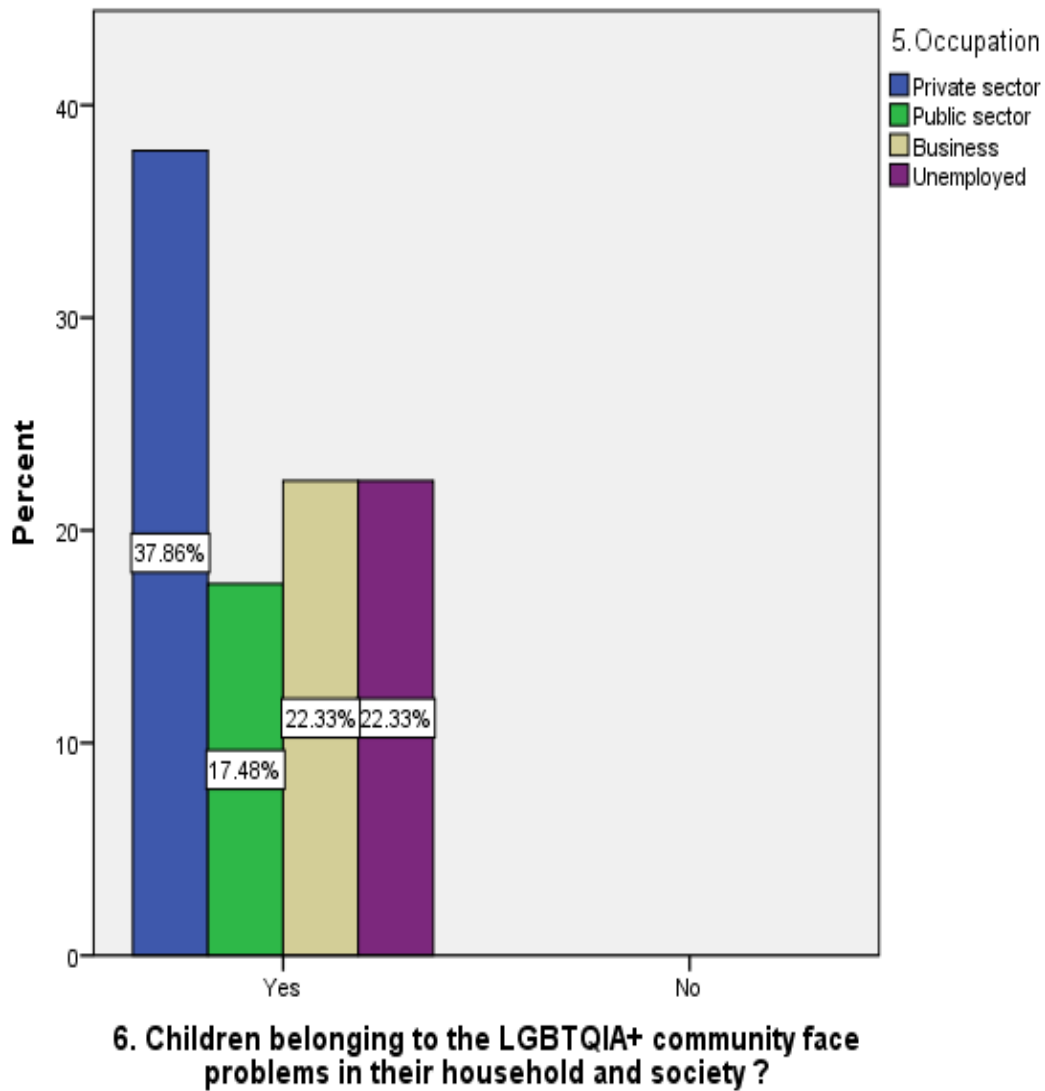


6. Children belonging to the LGBTQIA+ community face problems in their household and society ?

Legend:

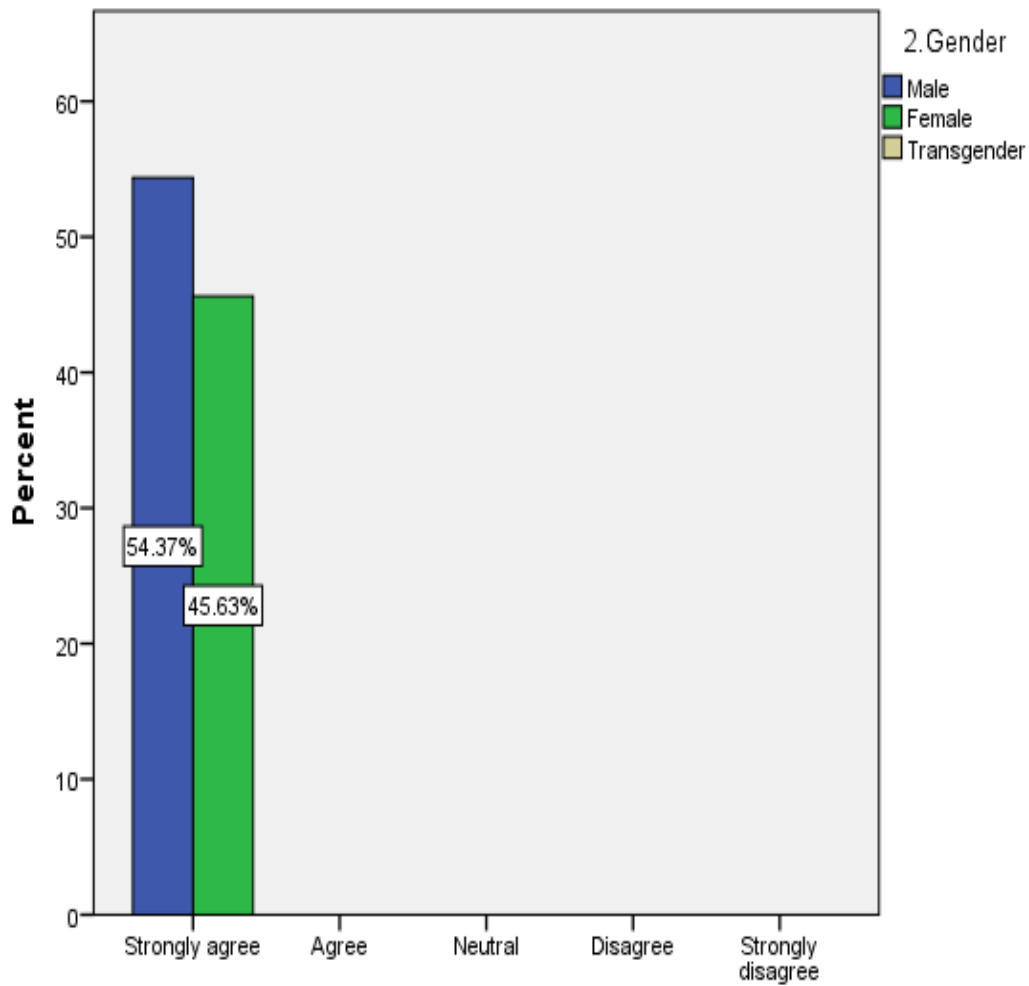
Graph 7 shows the relationship between gender and whether children belonging to the LGBTQIA+ community face problems in their household and society. 54.37% of males say yes.

Graph 8:



Legend: Graph 8 shows the relationship between gender and whether children belonging to the LGBTQIA+ community face problems in their household and society. 87.86% of those in the private sector say yes.

Graph 9:

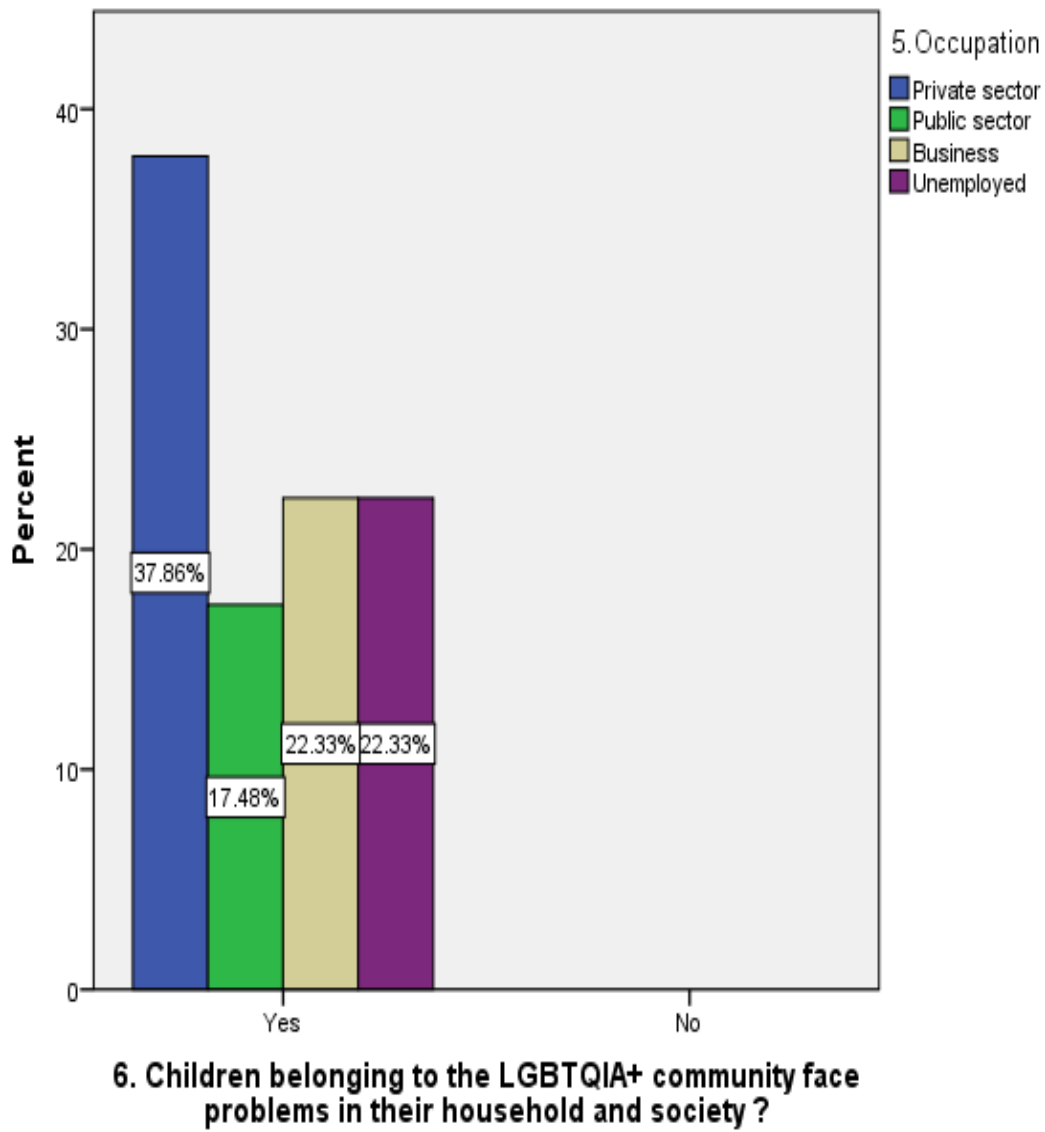


7. Why children belonging to the LGBTQIA+ community face problems in their household and society? [Lack of support from parents]

Legend:

Graph 9 shows the relation between gender and why children belonging to the LBTQIA+ face problems .54.37% females believe that the parents need to be counselled.

Graph 10:



Legend:

Graph 10 relationship between occupation and whether children belonging to the LGBTQIA+ community face problems in their household and society. Only 17.48% public sector say yes.

Results:

The relationship between age and methods for raising awareness of the rights of LGBTQIA+ children is depicted in Graph 1. 17.48% of people between the ages of 31 and 40 believe that parents need to be counseled. The relationship between gender and methods for raising awareness of the rights of LGBTQIA+ children is depicted in Graph 2. 28.16 percent of females believe that parents need to be counseled. Graph 4 depicts the relationship between gender and the level of change that teachers should bring about when dealing with bullying and harassment in the classroom. Of those polled, 27.67% of female respondents selected 8 out of 10 options. Graph 5 depicts the relationship between educational qualifications and the belief that educators who are homophobic "enable bullying by creating ignorance." "15.53 percent of those in the public sector believe that by being homophobic, they enable bullying by creating ignorance," according to Graph 6, which shows the relationship between educational qualifications and if educators are homophobic, they enable bullying. The relationship between gender and the likelihood of LGBTQIA+ children having issues at home and in society is depicted in Graph 7. 54.37 percent of men say yes. The relationship between gender and the likelihood of LGBTQIA+ children having issues at home and in society is depicted in Graph 8. Yes from 87.86% of private sector workers. The relationship between the reasons LGBTQIA+ children face difficulties and gender is depicted in Graph 9. 54.37 percent of females believe that parents require counseling. Graph 10 depicts the connection between a child's occupation and the likelihood that members of the LGBTQIA+ community have issues at home and in society. 17.48% of public sector employees say yes.

Discussion:

Graph 1: The relationship between age and the belief that parents should be educated about the rights of LGBTQIA+ children is depicted in this graph. The fact that 17.48 percent of people between the ages of 31 and 40 believe that parents require counseling may indicate that parents in this age range require additional education and awareness regarding the rights of LGBTQIA+ children. It could also imply that people of younger and older ages are more aware of these issues because fewer people of these ages believe that parents require counseling. Graph 2: The relationship between gender and the belief that parents should be educated about the rights of LGBTQIA+ children is depicted in this graph. The fact that 28.16 percent of women believe that parents need to be counseled may indicate

that women are more aware of the challenges LGBTQIA+ children face and the need for parents to receive education. It could also imply that there is a gender gap in education and awareness, with more men in need of education on these topics. Graph 4: The relationship between gender and the level of change that teachers should bring about when dealing with bullying and harassment in the classroom is depicted in this graph. The fact that 27.67% of females selected 8 out of 10 as the required level of change may indicate that women are more in favor of robust measures to combat bullying and harassment in the classroom. It could also imply that educators require additional education and awareness regarding the effects of bullying and harassment on LGBTQIA+ children. Graph 5: The belief that homophobic educators facilitate bullying is correlated with educational qualifications in this graph. The fact that 37.86% of postgraduate students believe homophobic educators facilitate bullying may indicate that higher education can contribute to raising LGBTQIA+ awareness and education. It might also imply that educators at lower education levels require additional training on these issues. Graph 6: The belief that homophobic educators facilitate bullying is correlated with educational qualifications in this graph. The fact that only 15.53 percent of public sector employees believe homophobic educators facilitate bullying may indicate that public sector employees may require additional education and awareness of LGBTQIA+ issues. Graph 7: Gender and the belief that members of the LGBTQIA+ community have issues in their families and society are depicted in this graph. The fact that 54.37 percent of men say yes may indicate that men are more aware of the challenges LGBTQIA+ children face in society and at home. It could also imply that women need to be taught more about these topics. Graph 8: Gender and the belief that members of the LGBTQIA+ community have issues in their families and society are depicted in this graph. The fact that 87.86% of people working in the private sector say yes may indicate that private sector workers are more aware of the challenges LGBTQIA+ children face in their homes and society. It could also imply that additional efforts are required to educate public sector employees about these issues. Graph 9: The relationship between gender and the belief that parents should be educated about the rights of LGBTQIA+ children is depicted in this graph. The fact that 54.37 percent of women believe that parents require counseling may indicate that women are more aware of the need for parental education and awareness. Additionally, it might hint at a gender disparity. Graph 10: This chart shows the connection among occupation and the conviction that kids having a place with the LGBTQIA+ people group deal with issues in their family and society. The fact that only 17.48 percent of people working in the public sector answer "yes" may indicate that those employed in the public

sector are less aware of the challenges LGBTQIA+ children face in their homes and society.

Limitations:

There are a number of limitations to this research, The study's sample size is not adequate to accurately represent the population as a whole. This can result in skewed findings. The study's responses might not be fully representative of the population as a whole. This may result in selection bias, which could limit how broadly the results can be applied. The responses given by the respondents may be based on social desirability and the true nature and character of the respondent cannot be tracked down hence there would exist greater extent of unnatural responses that would not favour for a reasonable outcome. The respondents may have difficulty recalling their experiences with print and digital advertisements accurately, which can affect the validity of the study. The study might not take into consideration changes in susceptibility over time and may only capture susceptibility at a single point in time. The respondents may not provide accurate responses due to their own biases, opinions, or beliefs. There are also reasonable chances of lack of knowledge or insight into the particular area of subject matter hence these are the extents that limit the reasonability of the research. The advertisement are wholesome subject matter.

Conclusion:

Community members ought to have the right to fully engage in public life, including having access to public facilities and services without fear of prejudice or discrimination. In conclusion, the LGBTQIA+ community's rights in our society and community are significant and must be protected. Some of the most important rights that must be protected include equality in marriage, protection from discrimination, access to healthcare, protection from violence, the right to gender identity and expression, the right to adopt and parent, and inclusion in public life. We must collaborate as a society to ensure that the LGBTQIA+ community can live and thrive in a world that values their diversity and respects their rights. The legal and cultural context of any community or society can affect the rights of the LGBTQIA+ community. In any case, there are a few basic common freedoms that are for the most part perceived as being relevant to all people, including the people who recognize as LGBTQ.

It is essential that members of the community have access to healthcare services that are respectful, non-discriminatory, and appropriate for their requirements because members of the community may have unique healthcare requirements. In order to provide the appropriate care and treatment, healthcare providers need to be educated about the particular requirements that LGBTQIA+ people have.

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