



SOCIAL EXCLUSION OF TRANSGENDER PEOPLE TOWARDS INCLUSIVE POLICY

¹Dr. Mrinalini. S, ²Prof. S. Gurusamy

¹Post Doctoral Fellow, Department of Sociology, GRI, Gandhigram Dindigul - 602324
Tamil Nadu, India.

²Mentor, Department of Sociology, GRI, Gandhigram Dindigul – 602324 Tamil Nadu, India.

ABSTRACT

***Prelude:** The term 'transgender people' is generally used to describe those who transgress social gender norms. Transgender is often used as an umbrella term to signify individuals who defy rigid, binary gender constructions, and who express or present a breaking and/or blurring of culturally prevalent stereotypical gender roles. Transgender people may live full or part-time in the gender role 'opposite' to their biological sex.*

***Statement:** Transgender people face multiple forms of oppression. But it is important to point out that not all transgender people feel themselves to be socially excluded or oppressed. However, many transgender people experience social exclusion in various ways. Social exclusion framework is increasingly used in highlighting the issues and problems faced by disadvantaged and disenfranchised groups. By adapting the social exclusion framework to TG people, one can understand how TG communities have been excluded from effectively participating in social and cultural life; economy; and politics, health care sector and in decision-making processes. Thus the transgender people face exclusion in various dimensions.*

***Objectives:** to analyze the level and dimensions of social exclusion of transgender people, to prepare an inclusive model for the effective policy implication and inclusion of transgender people in the mainstream of the society and to suggest the strategies for mainstreaming them in the society.*

Review of Literature: Phelan, (2001) Lack of social recognition is closely connected to the ambiguous citizenship status of LGBT people, especially if we accept the notion that full citizenship “requires that one be recognized not inspite of one’s unusual or minority characteristics, but with those characteristics understood as part of a valid possibility for the conduct of life”.

Baral, SD, Beyrer, C & Poteat, T, (2011) Mental health issues are well established risk factors for higher risk sexual practices among sexual minorities giving further credence for the role of health outcomes as a result of social exclusion. **Pandey, (2014)** After independence the law was repealed in 1949, but mistrust of the transgender community has continued. This has pushed the transgender community to the margin of the society without any serious effort to mainstream. **Methodology:** Focus group discussions have conducted among the transgenders in the study area to collect the information.

Area of Study: The present study has conducted among the TGS in Dindigul district, Tamil Nadu.

Suggestions: Political representation for transgenders must be given in the state legislature assemblies and in the parliament. Special development packages and welfare programmes for transgenders must be included in the five year plans and implemented accordingly. The attitude and behavior of the society as a whole towards the transgenders must be made to undergo a transformation through mass media.

Conclusion: So in this paper the researchers tried to analyze the social exclusion and inclusive aspects of transgender people in the society. Transgender people require understanding and support of the government, health care professionals, general public as well as their family members. We need to understand and accept that humans are diverse. People have the right to be what they are and what they want to be. For transgender people the same holds true.

Introduction

The term ‘transgender people’ is often used as an umbrella term for people whose gender identity and/or gender expression differs from their birth sex. The term transgender people will be used when referring to the widest range of possible gender identities and will use more specific terminology such as trans men, transsexual people, polygender people and so on

when referring to particular sub-sections of this diverse population. Transgender people can experience inequality, discrimination and social exclusion in many aspects of their lives. However, until the last decade there was limited recognition of this in policy agendas or research. Initially, transgender issues were often raised alongside greater recognition of the rights of LGBT people. However, a number of legislative changes, such as the Sex Discrimination (Gender Reassignment) Regulations (1999), the Gender Recognition Act (2004) and the Equal Treatment Directive (2004/113/EC), have placed trans issues more firmly on the policy agenda and have served to identify that many of the issues faced by trans people are significantly different from those experienced in the LGBT population.

Asian countries have centuries-old histories of the existence of gender-variant males - who in present times would have been labelled as 'transgender women'. India is no exception. Kama Sutra provides vivid description of sexual life of people with 'third nature' (Tritiya Prakriti). In India, people with a wide range of transgender-related identities, cultures, or experiences exist – including Hijras, Aravanis, Kothis, Jogtas/Jogappas, and Shiv-Shakthis. Often these people have been part of the broader culture and treated with great respect, at least in the past, although some are still accorded particular respect even in the present. The term 'transgender people' is generally used to describe those who transgress social gender norms. Transgender is often used as an umbrella term to signify individuals who defy rigid, binary gender constructions, and who express or present a breaking and/or blurring of culturally prevalent stereotypical gender roles. Transgender people may live full- or part-time in the gender role 'opposite' to their biological sex.

Social Exclusion of Transgender People

Social Exclusion Framework is increasingly used in highlighting the issues and problems faced by disadvantaged groups. Social Exclusion Framework is seen as having particular salience in addressing the barriers to meeting the Millennium Development Goals, particularly where these relate to exclusionary social relations and institutions. Adopting the Social Exclusion Framework to TG people, one can understand how TG communities have been excluded from effectively participating in social and cultural life; economy; and politics and decision-making processes. This section uses this framework to illustrate the multiple forms of oppression faced by TG communities.

EXCLUSION FROM SOCIAL AND CULTURAL PARTICIPATION

- Exclusion from Family and Society
- Lack of Protection from Violence
- Restricted Access to Education, Health Services and Public Space

SOCIAL EXCLUSION OF TRANSGENDER PEOPLE

EXCLUSION FROM ECONOMY

- Exclusion from Employment and Livelihood Opportunities

EXCLUSION FROM POLITICAL PARTICIPATION AND CITIZENSHIP

- Restricted Access to Collectivization
- Restricted Rights of Citizenship
- Restricted Participation in Decision Making Processes

1. Exclusion from Social and Cultural Participation

a. Exclusion from family and society

In general, Indians tolerate, accept, and respect a wide range of differences in cultures, religions, languages, and customs. Despite Indian society's general climate of acceptance and tolerance,

there appears to be limited public knowledge and understanding of same sex sexual orientation and people whose gender identity and expression are incongruent with their biological sex. Human rights violations against sexual minorities including the transgender communities in India have been widely documented. Most families do not accept if their male child starts behaving in ways that are considered feminine or inappropriate to the expected gender role. Members of some society ridicule gender-variant people for being 'different' and they may even be hostile. Even from police, they face physical and verbal abuse, forced sex, extortion of money and materials; and arrests on false allegations. Absence of protection from police means ruffians find TG people as easy targets for extorting money and as sexual objects.

b. Discrimination in Health care Settings

Hijras face discrimination even in the healthcare settings. Often, healthcare providers rarely had the opportunity to understand the sexual diversities and they do not have adequate knowledge about the health issues of sexual minorities. Thus, TG people face unique barriers when accessing public or private health services. Barriers in accessing HIV testing, antiretroviral treatment and sexual health services have been well documented. Types of discrimination reported by Hijras/TG communities in the healthcare settings include: deliberate use of male pronouns in addressing Hijras; registering them as 'males' and admitting them in male wards; humiliation faced in having to stand in the male queue; verbal harassment by the hospital staff and co-patients; and lack of healthcare providers who are sensitive to and trained on providing treatment and care to transgender people and even denial of medical services.

2. Exclusion from Economic Participation and Lack of Social Security

TG communities face a variety of social security issues. Since most of the transgenders run away or evicted from home, they do not expect support from their biological family in the long run. Subsequently, they face a lot of challenges especially when they are not in a position to earn (or has decreased earning capacity) due to health concerns, lack of employment opportunities, or old age. Some of the important issues and concerns faced by TG communities in relation to social security measures are given below.

a. Lack of livelihood options

Most employers deny employment for even qualified and skilled transgender people. Sporadic success stories of self-employed Hijras who run food shops, or organize cultural programs are reported in some states. However, those are exceptions. Lack of livelihood options

is a key reason for a significant proportion of transgender people to choose or continue to be in sex work - with its associated HIV and health-related risks.

b. Lack of specific social welfare schemes and barriers to use existing schemes

Social welfare departments provide a variety of social welfare schemes for socially and economically disadvantaged groups. However, so far, no specific schemes are available for Hijras except some rare cases of providing land for Aravanis in Tamil Nadu.

c. Lack of access to Life and Health insurance schemes

Most transgenders are not come under any life or health insurance schemes because of lack of knowledge; inability to pay premiums; or not able to get enrolled in the schemes. Thus, most rely on the government hospitals in spite of the reality of the pervasive discrimination.

3. Exclusion from Political Participation

a. Legal, civil, and political rights

In 1871, the British enacted the Criminal Tribes Act, 1871, under which certain tribes and communities were considered to be 'addicted to the systematic commission of non-bailable offences'. These communities and tribes were perceived to be criminals by birth, with criminality being passed on from generation to generation. The local government was required to keep a register of the names and residences of all the eunuchs who are “reasonably suspected of kidnapping or castrating children or of committing offences under Section 377 of the Indian Penal Code. Hijras/ TGs were also reportedly harassed by police by threatening to file a criminal case under Sec-377 IPC. Legal issues can be complex for people who change sex, as well as for those who are gender-variant. Legal issues include: legal recognition of their gender identity, same-sex marriage, child adoption, inheritance, wills and trusts, immigration status, employment discrimination, and access to public and private health benefits.

b. Challenges in collectivization and strengthening community organizations

The importance given by the government to CBOs in leading the HIV responses, one would expect Hijras/TG people not to face any problems in forming or sustaining organizations of their own. Experiences of these communities suggest otherwise. Many have faced a lot of challenges in community mobilization and legally registering their organizations.

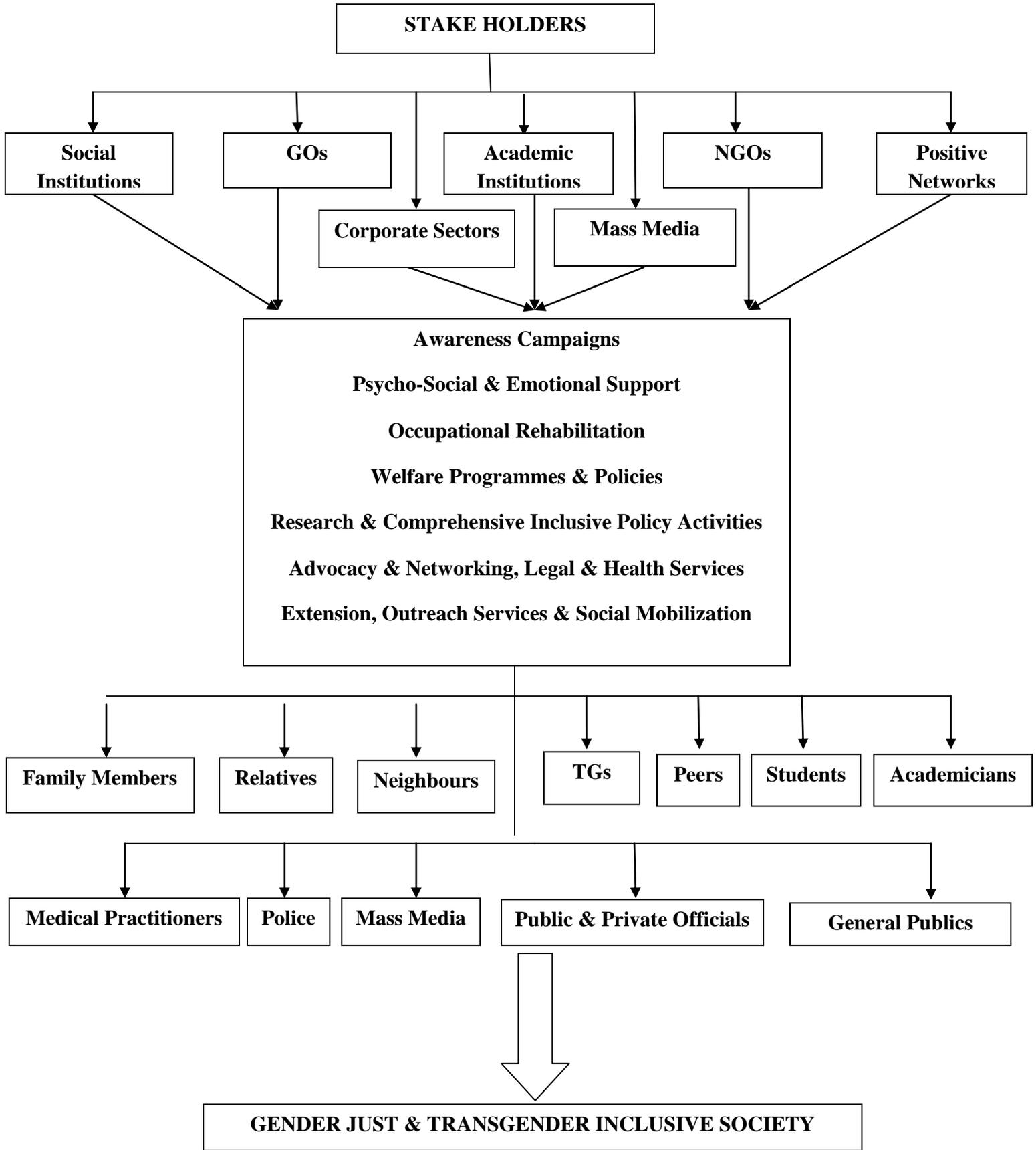
- ❖ Stringent registration and legal procedures.
- ❖ Lack of sensitivity among public department officials.
- ❖ Buying or hiring office space.

- ❖ Lack of funding support.
- ❖ Need for community systems strengthening

Inclusion of Transgender

The 2011 Census made the maiden counting of the transgender in India. It symbolizes the inclusive efforts undertaken by the Government. This became a stepping stone for their political inclusion. LGBT movements have often adopted a kind of identity politics. It seems lesbian, gay, bisexual and/or transgender people as a fixed class of people; a minority group. It draws its strength from the liberal political goals of freedom and equal opportunity, and aims at mainstreaming this deprived group in politics. Its arguments are based on the advocacy that sexual orientation and gender identity are innate and cannot be consciously changed.

MODEL FOR TRANSGENDER INCLUSIVE POLICY



Major Findings

- It has been revealed that almost all the transgenders, had undergone exclusion of one form or the other at the hands of one section or the other of the society. However presently the degree and the instances of exclusion faced by the transgenders has come down
- Even in the most of the unlikely places like hospitals, the transgenders are subjected to not only physical and mental harassment but also looked down upon with contempt. This has been the experience of most of the transgenders who go to hospitals for medical treatment.
- The greatest harassment is inflicted by the police. Majority of the TGs revealed that they have faced harassment from police which is really a matter for serious concern on the part of the government, especially the police department.
- Buses and trains are other places where the transgenders are harassed, insulted and excluded the most both physically and mentally. More than 80 percent of the transgenders had to undergo such experiences while travelling by buses or trains.
- Majority of the transgenders revealed that they have faced harassment and exclusion in public places like markets, shopping malls, etc. from the hands of general public's.

Suggestions

- Ration cards and voters Id cards should be given to all transgenders as is done to any other citizen of India. After all the transgenders from time immemorial have been a part and parcel of Indian society.
- All the transgenders must be given the house pattas and land pattas.
- Political representation for transgenders must be given in the state legislature assemblies and in the parliament for the political inclusion of transgenders.
- Special development packages and welfare programmes for transgenders must be included in the Five Year Plans and implemented accordingly.
- GOs and NGOs must conduct vocational and other training programmes for the welfare and effective inclusion of transgenders in the mainstream of the society.
- The hospital management and the employees must be given clear instructions to change their attitude and behaviour towards the transgenders into a more cordial, understanding and decent one.

- The attitude and behaviour of the society as a whole towards the transgenders must be made to undergo a transformation.

Conclusion

No civilization or culture or nation or community has been free from transgender issue right from time immemorial. It is only now that the transgender issue has become a topic of discussion and research. As mentioned earlier elsewhere, the transgenders are of many types which have been, of late, brought under a single umbrella called LGBT. The present generation should be taught and oriented mentally to regard the transgenders as equals and not as queer. Transgenders should be ensured safety, security and civil rights to lead a life of dignity and honour without any problem just like any other citizen in the society with full confidence of equality and social justice.

References

- UNDP (INDIA), 2010, Hijras/Transgender Women in India: HIV, Human Rights and Social Exclusion.
- Beall J, Piron L-H. DFID social exclusion review. London: Overseas Development Institute, 2005:32-7.
- United Nations. Theoretical concepts of social exclusion. Chapter 1. In: Literature review on social exclusion in the ESCWA region. New York, NY: United Nations, 2007:2-7. TG Issue Brief, UNDP, VC. Dec. 2010.
- People's Union for Civil Liberties, Karnataka. (2003). Human rights violations against the transgender community: A study of kothi and hijra sex workers in Bangalore, India, [Http://www.altlawforum.org/PUBLICATIONS/PUCL%20REPORT%202003](http://www.altlawforum.org/PUBLICATIONS/PUCL%20REPORT%202003)
- People's Union for Civil Liberties, Karnataka. (2001). Human rights violations against sexuality minorities in India. <http://www.pucl.org/Topics/Gender/2003/sexualminorities.pdf>
- Chakrapani, V, Babu, P, Ebenezer, T. (2004). Hijras in sex work face discrimination in the Indian health-care system. Research for Sex Work.