



The transformational journey - Recognising transgender as a third gender in India.



INTRODUCTION

Hijra is a term used in South Asia - in particular, in India - to refer to an individual who is transsexual or transgender. Our society often ridicules and abuses the transgender community and in public places like railway stations, bus stands, schools, workplaces, malls, theatres, hospitals, they are side lined and treated as untouchables, forgetting the fact that the moral failure lies in the society's unwillingness to contain or embrace different gender identities and expressions, a mind-set which we have to change.

Article (6) of the Universal Declaration of Human Right and Article (16) of the international covenant on Civil and political right recognise that every human being has the inherent right to live and this right shall be protected by law. Furthermore, Articles (14), (15), (16), (19) and (21) of the Indian constitution, grants equal, fair and just treatment to all citizens of the country, however this was not the case in reality. Transgender people were deprived of social and cultural participation and hence restricted access to education, health care and public places. It was also

pointed out that the community faces discrimination to contest election, right to vote, employment, to get licenses, seek housing and, in effect, treated as an outcast.

Until the National Legal Service Authority decision, there was no other express acknowledgement of their legal status as a third gender except in a few states. State of Tamil Nadu is one such state that has taken several positive steps for their welfare. Few States like Kerala, Tripura and Bihar have referred to transgender as "third gender or sex". The National Legal Services Authority (NLSA) of India, on April 15th 2014 spearheaded the passing of the bill, granting Transgender people constitutional rights. Following this bill, trans people were conferred the same rights as every male and female citizen of India, therefore all identity documents, including birth certificate, passport, ration card and driving license recognised them as the third gender.

It was fitting that Supreme Court verdict of India chose April 15 specifically to rule favourably in the National Legal Services Authority vs Union of India. It

CHALLENGES

1. VHS DIVA encouraged the public display of the creative side of the transgender community to promote mainstreaming of the community. VHS DIVA encouraged them in philanthropic activities to display their innate human nature such as blood donation, eye donations, tree plantation, traffic volunteers. It was challenging to alter the perception held as false images were being portrayed by media, showcasing transgender people as entertainment and disgusting.
2. To address the issue of internalized stigma, VHS DIVA focused on reinforcing the idea to consider themselves capable of love and a dignified life. We began by enabling an open, free and safe space that fostered communication at a deeper level. Without these efforts the community would not have been able to advocate for their own rights and mobilise at such a large scale. However, the pace at which we expected them to operate has not successfully materialised and they have not been able to spearhead schemes and rights for the benefit of themselves.
3. The political system in India, which is complex and dynamic and constantly changing has also proved to be a barrier in all our advocacy efforts. The continuously changing political parties in power, largely affected the level of our impact in advocacy. VHS DIVA identified the requirement of continuous advocacy among all members of State. The time bound nature of projects and the restricted resources available, were challenging our vision.

LESSONS LEARNED AND RESULTS

- Going for an **integrated bottom-up approach**, providing customised solutions based on needs assessment conducted within community members will promote community engagement, ownership and sustainability. This

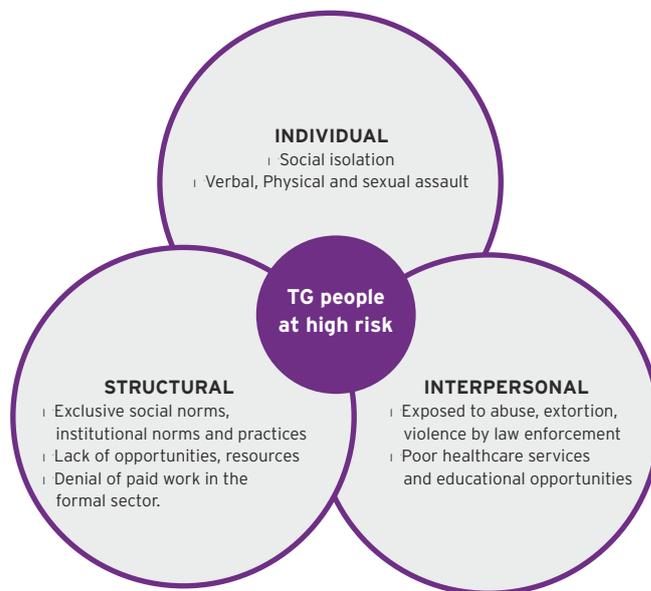
was on April 15, 2008, that the Aravani (Transgender) Welfare Board was constituted by the Tamil Nadu state government, as the first of its kind in the country. Trans communities in the state celebrate April 15 as Transgender Day. Many welfare measures enacted by the Tamil Nadu Transgender Welfare Board have been taken up as country-wide recommendations by the Report of the Expert Committee of the National Ministry for Social Justice and Empowerment, Government of India.

The Role of VHS

The efforts to include transgender as a gender to be recognised started much earlier. During the 1990's AIDS epidemic in Tamil Nadu, a state in the south India, the implementation of projects funded by international donors to curb its spread identified key risk groups, Female Sex Workers (FSW), Men who have Sex with Men (MSM), Truckers, Intra-venous Drug Users (IDU), Migrants and Transgender. This led to an influx of international agencies such as USAID, Bill and Melinda Gates Foundation, looking to work

within Tamil Nadu. They identified initiating interventions designed and targeted specifically for high risk groups including transgender people.

At that point in time, transgender people were not seen as separate individuals with different needs, rather, under the large homogenous category of



method also promotes inclusion and broadens our understanding of community dynamics. The success of Transgender Bill, is owed to the opportunity VHS DIVA provided for the community to interact with State Ministers.

- VHS DIVA attempted **approaching Jamaath leaders**, who were considered as key figures and wielded a lot of authority and control within their respective communities. VHS was successful in empowering and providing our members with appropriate knowledge tools and skills required to do so as it is equally important to ensure all progress and advocacy is **led by members of community**. We learnt this lesson early on, as we found poor uptake of HIV services when reached out to transgender people, so we approached jamaath/gharana leaders to ensure their community members took necessary precautions and routine tests and treatments.
- Another key takeaway has been that **all change takes time**, and patience and perseverance is required to see policy level changes as it cannot be expected immediately. Therefore, it **requires sustained advocacy efforts with solidarity in regular follow up**. VHS DIVA witnessed this following the NLSA judgement, as community groups were scrambling to take credit.

The last decade has been tremendously enriching for the team at VHS DIVA, as we have had the opportunity to be a part of a transformational change within transgender rights and we look forward to many more milestones in our journey to transgender empowerment, in the Country.



MSM. While efforts to address the high prevalence of HIV among MSM groups continued, Trans people fought to bring to surface their specific challenges, needs and conditions, therefore demanding to be identified separately as Trans-Gender people.

A study conducted in Tamil Nadu alluded that 40% of the transgender population have engaged in sex work at an average age of 16.5, indicating their initiation into transactional sex prior to the legal age for consensual sex (Subramanian et al. 2013). All these findings urged us to evaluate the forms of prejudice that exists across multiple levels that act as barriers.

The Tamil Nadu AIDS Initiative project, implemented by Voluntary Health Services (VHS) funded by Bill and Melinda Gates Foundation, has been working with the transgender community in 12 districts of Tamil

Nadu since 2004 with the aim of bettering their quality of life by bringing about a health-seeking behaviour among them and more importantly to integrate the community with mainstream society.

VHS also saw Koovagam¹ as an opportunity to both educate as well as mobilise transgender people, to advocate for their rights in education, employment and healthcare. Following which the trans community advocated for their recognition among society and successfully established a Transgender Welfare Board within the state of Tamil Nadu in 2008.

¹Transgender people all over the world flood to a village in the Villupuram district of Tamil Nadu to celebrate Koovagam every year.



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