

# Appendix

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# Karnataka State Policy on Transgenders



## Government of Karnataka

### Preamble

The Constitution of India recognizes and guarantees to all citizens the fundamental right to equality before law,<sup>1</sup> non-discrimination on the basis of sex,<sup>2</sup> equality in public employment,<sup>3</sup> and right to freedom of expression and movement.<sup>4</sup> In reality gender non-confirming persons face severe forms of structural opposition, violence and intolerance in private and public spaces.

The Supreme Court of India vide judgment dated 15<sup>th</sup> April, 2014 has recognized transgenders as the third gender apart from the existing binary genders. It recognized that fundamental rights are available to the third gender in the same manner as they are to males and females. Further, non-recognition of third gender in both criminal and civil statutes such as those relating to marriage, adoption, divorce, etc is discriminatory to the third gender. The Court maintained that discrimination on the basis of sexual orientation and gender identity is violation of fundamental rights.

It is therefore necessary for the Government of Karnataka to frame a policy for the transgenders covering the areas of health, education, employment, housing, protection from harassment and abuse. The solution to their problems requires concerted efforts to mainstream them by adopting an inclusive approach in all spheres

<sup>1</sup> **Article 14. Equality before law:** The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

<sup>2</sup> **Article 15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth:** 1. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them. 2. No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to (a) access to shops, public restaurants, hotels and places of public entertainment (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

<sup>3</sup> **Article 16. Equality of opportunity in matters of public employment:** 1. There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. 2. No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

<sup>4</sup> **Right to Freedom 19. Protection of certain rights regarding freedom of speech, etc:** 1. All citizens shall have the right— (a) to freedom of speech and expression; (b) to assemble peaceably and without arms; (c) to form associations or unions; (d) to move freely throughout the territory of India.



of life. All departments of the Government of Karnataka should include development of transgender community in their policies, programmes, schemes. Though there have been some sensitive initiatives,<sup>5</sup> much more needs to be done in a focused, systematic manner – for supporting the transgender individuals and community, for attitudinal change in society and for sensitive, responsive and responsible state institutions and mechanisms.

Transgenders face many problems such as fear, shame, gender dysphoria, social discrimination, depression, suicidal tendencies, social stigma, and insistence for Sex Reassignment Surgery (SRS). These problems should be taken up seriously. Proper measures should be implemented to include ('invite and welcome') transgenders into public spaces. These include appropriate infrastructure to provide medical care to transgenders in the hospitals, appropriate basic services to attitudinal change through positive portrayal in text books and mass media. Various social welfare schemes should be framed for their development and mainstreaming them into society. Steps to create public awareness should be taken so that transgenders experience acceptance, respect and security of being a part of their birth families, neighbourhoods, schools and society at large.

Rather than calling them as third gender, the nomenclature 'transgenders' should be used. The policy will cover all categories of transgenders, i.e. Jogappas, Jogtas, Hijras, Kothis, Shivshakthis, and Aravanis, intersex people, female to male and male to female transgenders. The categories will be defined in the subsequent Government Orders.

The last 20 years has increased visibility and involvement of members from the transgender population in government and civil society initiatives. This has led to some amount of breaking down of traditional barriers and increased their use of state facilities. Globally too there is more recognition and acceptance of gender diversity and human rights violations of transgender people. With this recognition and acceptance comes the need to address issues of inclusion of transgenders by state and non-state actors.

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5)The Mythri Pension Scheme for transgenders below the poverty line of the Government of Karnataka (G.O. No. RD95DSP Dated : 01.08.2013) has been sensitive to the needs of the community. The age of eligibility has been decreased from 50 to 18 years.



## **1. Approach and objectives of the policy**

The policy is to provide guidelines for ensuring the constitutional guarantees of transgenders individually and collectively and directions for implementing the Supreme Court Judgement (2014) for the inclusion of transgenders as full citizens.

The approach is incremental, with clear timeframe and measurable outputs.

The objectives of the policy are to

- Enforce the constitutional guarantees of dignity, non-discrimination, equal access and redress.
- Identify the responsible state institutions and departments for implementation.
- Define accountability mechanisms.

These require the measures for empowerment, remedy and sustainability and mechanisms for implementation and accountability.

### **1.1 Empowerment measures**

- Provide a mechanism for self-identification of gender (as man, woman or transgender).
- Empower the transgenders to enjoy their constitutional rights and freedom especially the right to not be discriminated based on gender, access to public spaces and resources and freedom of expression.
- Direct all Government Departments and public authorities to ensure non-discriminatory treatment to the transgenders in legal aspects and provide barrier free access to public transport, parks and other public places.
- Listen to and address the aspirations of dignity and inclusion of the transgender population across age groups and locations within the state of Karnataka.

### **1.2 Enabling measures**

- Estimate the resources required for the implementation of the policy and ensure it is budgeted and allocated in a timely manner and harmonized with the financial and administrative planning schedule of the state government.
- Include transgenders in society with proper social, legal and institutional protection, educational(including anganwadis and schools) and health facilities, basic amenities such as water supply, sanitation, housing and employment.
- Frame guidelines for implementation and a mechanism to ensure that these guidelines are followed.



- Monitor all Government Departments and public authorities to ensure non-discriminatory treatment to the transgenders in legal aspects and provide barrier free access to public transport, parks and other public places.
- Instruct state run and private financial institutions, insurance and housing companies to make transgender inclusion part of their priority sector, plan their objectives with measurable indicators for inclusion within an agreed time frame.
- Effective implementation and monitoring of the schemes being proposed especially for the transgenders for their socio-economic improvement and livelihoods.
- Sensitise the parents, teachers, students, doctors, police and other sections of society so that they are treated with dignity and can live with self-respect and dignity without discrimination.

### 1.3 Remedial measures

In workplaces/offices in public and private sector need to sensitize employers and employees on issues of transgenders. Anti-discrimination policies must be instituted and meaningfully implemented in the processes of hiring, retention, promotion and employee benefits. Workplace sexual harassment policies should be made transgender inclusive.

Other remedial measures to be included are:

- Preference for admission in education– Incrementally at all levels.  
Discrimination against transgenders on the basis of gender in matters of education, employment, housing and public accommodation should be prohibited.
- Family awareness should be created by collaborating with schools and child rights organizations and networks.
- Create awareness to parents not to desert their transgender children and provide them with equal opportunities in the family.
- Corrective surgery at birth is not the preferred option medically or socially and so should be discouraged.
- Rehabilitation should not be forced. It needs to be a consultative process.
- Transgender children should be provided safe residence. The facilities so provided – short-stay homes, orphanages, adoption and fostering services – should be sensitive to the needs and concerns of gender non-conforming children.
- Old age: Old age shelter homes should be taken into account and the pension should also be a mandatory aspect.
- Media: Negative portrayal of transgender community should be discouraged.



#### 1.4 Sustainability measures

- Scholarships and other measures to support education, health care and social security.
- Support and opportunity for enhancing skills to secure a livelihood that will ensure a sustainable income for a life with dignity.
- Converge existing schemes across departments for a more targeted and focused approach towards welfare of the transgender community.

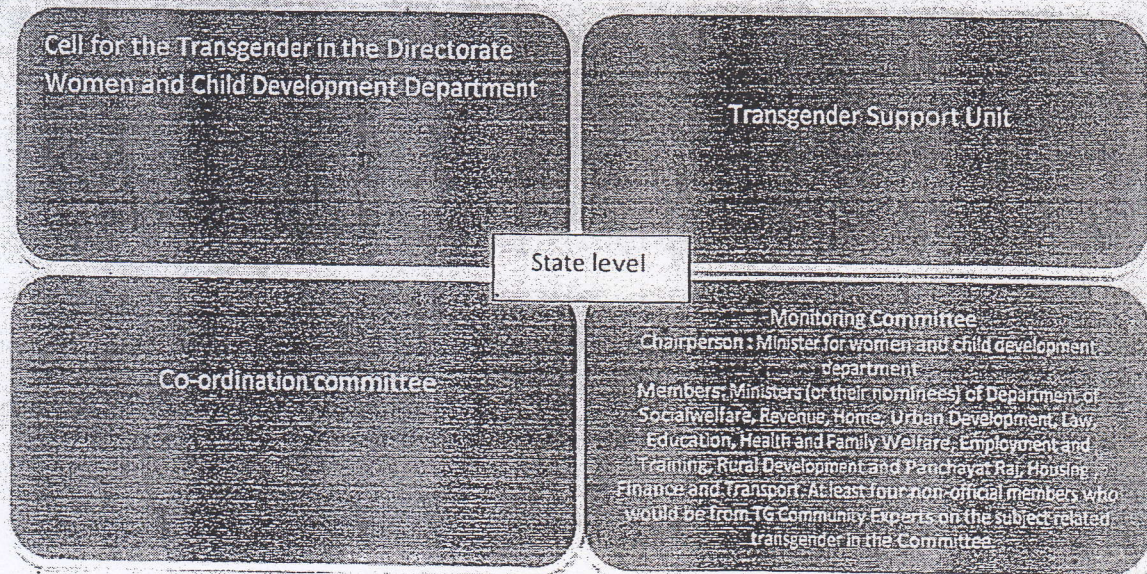
Example: Training and sensitization of Anganwadi teachers and Village Health Activists, ASHA (Accredited Social Health Activist) to help to identify parents and children who would need counselling support at the village level. Linking certain aspects of village level implementation and monitoring with the National Health Mission will provide a ready and robust mechanism for outreach.

- Provide policy and institutional reforms to enable access to social protection schemes for the community especially for those who are more marginalised among them.

#### 2 Implementation Mechanism

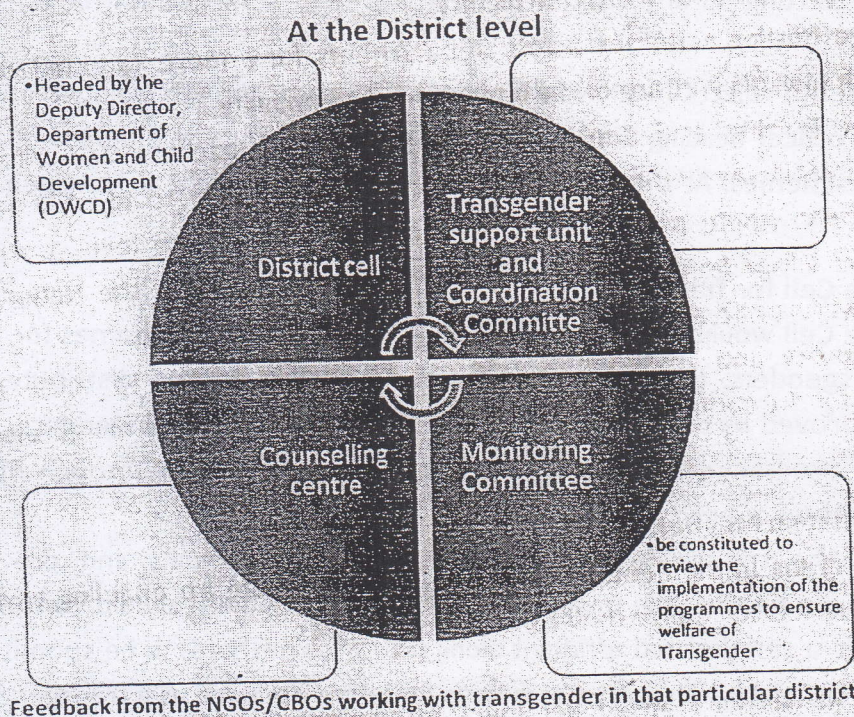
The function of the implementation mechanism is to create an enabling environment for the transgenders to realize their constitutional rights.

##### Karnataka Transgender Policy Implementation Mechanism





Child Development Project Officer would periodically report through Deputy Director of the district to the officer heading the Cell for transgender in the Directorate of Women and Child Development Department about the progress in the implementation of schemes.



## 2.1 Administrative Set-up

To ensure that transgenders lead a decent life and mainstream them into the society, a Cell for the Transgenders will be established in the Department of Women and Child Development with the Principal Secretary of WCD as the chief nodal officer to oversee and ensure implementation of the policy. The chief nodal officer will also lead the process of making an annual plan for the implementation of the policy with a supporting financial plan and budget allocations. This will ensure that the plan is rolled out in a timely manner and harmonized with the financial and administrative planning schedule of the state government.

At the State level there would be a Transgender Support Unit. There would also be a Coordination Committee.

At the district level, the Deputy Director, Department of Women and Child Development (DWCD) would take responsibility of implementing and monitoring of schemes, and take



feedback from the NGOs/CBOs working with transgenders in that particular district. Work is expected to be intensive during the initial policy roll out period of three years. The appointment of Nodal officers as "single point of contact" will ensure and facilitate the coordination and implementation of the required changes, orientation of the administration, and setting up of a robust delivery and review mechanism in a brisk manner.

The Child Development Project Officer would periodically report through Deputy Director of the district to the officer heading the Cell for transgenders about the progress in the implementation of schemes. At the district level also there would be a Transgender Support Unit.

## **2.2 Functions of the Cell for Transgenders**

The functions of the Cell would be as follows- (i) to initiate welfare programmes for the upliftment of Transgenders, (ii) acquire funds from Government and distribute to various projects approved by the Government, (iii) issues ID Cards to transgenders, (iv) conduct awareness programmes to sensitize public about transgenders through mass media and other method of publicity campaign.

In order to enlist the transgenders as members of the community and provide transgenders welfare measures, the process currently being followed should continue. The process requires a self-declared affidavit along with a form that is to be submitted to the CDPO of the district which serves as a basis for being declared as a transgender. To issue identity cards, a Committee comprising of CDPO, Medical Officer and Tahsildar will be constituted at the taluk level. The Tahsildar will issue the identity cards. The identity cards issued should be acceptable to all authorities for indicating the gender on official documents like ration cards, passport, birth certificate, aadhaar card, for opening bank accounts, monthly bus pass, driving license, etc. Directives will be issued to the relevant Authorities to accept the identity cards to issue such official documents.

## **2.3 Functions of the support unit, coordination committee to be defined.**

## **2.4 Counselling Centres**

Addressing stigma, discrimination and violence faced by transgenders – Awareness generation and sensitization are required for parents to support and accept their gender non-conforming children. Counselling and other mental health services that confirm the child's gender identity are required for the children as well as the parents. Besides this, they have to be counselled to cope up with the trauma of violence and abuse. The existing Counselling Centres set up for Women and children who are victims of violence will be extended to transgenders in all districts of the State. Additionally, District



Protection Officers, Anganwadi Workers, Health Workers and Self Help Groups may be oriented on transgender issues and involved in providing information to parents of gender non-conforming youth. Educational Institutions/Universities would be encouraged to establish an anti-discrimination cell to monitor any form of discrimination/harassment against gender non-conforming students.

### **3 Identification and Certification**

Identification and certification is a critical aspect of being counted as a transgender and to benefit from the policy. It is of utmost importance to the purpose of this policy that the certification process should be empowering and welcoming to the applicant. It needs to be simple and accessible to the community, while at the same time transparent to ensure that misuse is minimised. At no time should process be demeaning.

The district level coordination cell, which will be the certification authority, should be welcoming and accessible to the community. The community representatives and member NGOs will help the committee in making the identification process more efficient, transparent and accessible to applicants.

#### **3.1 Steps towards Certification**

- Applications can be filled out and submitted to the Deputy Director, Women and Child Development or the member NGOs of the district level transgender cell.
- All applications received will need to be presented once in three months at the coordination committee meeting.
- Each application should be approved by at least four members of the cell which should include at least two government officials and two community representatives.
- The application should include an evaluation from the psychiatric department of the district hospital.
- In the initial stage of the policy implementation, the cell could also conduct camps for publicising the certification process required for accessing benefits, so that more community members can benefit without long delays.
- Once the certification process by the cell is completed, a card should be issued which makes them eligible for updating other ID cards, certificates, and marks cards by a simple process.
- This should include AADHAR, voter id, passport, ration card, pan card, insurance papers, school and college certificates.



- The certificate should be issued in a timebound, transparent process that takes not more than three months. Failure to do so, or rejection, should be recorded in writing and made available both to the coordinating cell and the applicant free of cost.

#### **4 Accountability and Review Mechanisms**

A Monitoring Committee would be constituted to review the implementation of the programmes to ensure welfare of transgenders. The Committee would comprise of Minister for Women and Child Development Department as the Chairperson. The official members would be Ministers (or their nominees) of Departments of Social Welfare, Revenue, Transport, Home, Urban development, Law, Education, Health and Family Welfare, Employment and Training, Rural Development and Panchayat Raj, Housing and Finance. There would be at least four non-official members who would be from TG community. There would also be experts on the subject related to transgenders in the Committee.

There are a number of Acts such as Domestic Violence Act, Juvenile Justice Act etc. where amendments will be required to include transgenders under the Acts.

Suitable schemes are to be launched specifically for transgenders in various sectors such as education, health, housing, skill development, social welfare, etc. Audits will need to include and track both quantitative and qualitative data. A Management Information System (MIS) will be developed. Simple formats will be prepared so that each department can track resource allocation, schemes, applications, response, response time, functioning of redressal mechanisms and the number of beneficiaries. The system of monitoring and measuring impact will greatly benefit from a bench marking survey of the transgender population of the state based on a few key development indicators as part of grounding policy and planning incremental but definite positive changes.

#### **5 Timeline**

##### **5.1 Implementation**

The timeline for implementation and review reflect the hybrid approach of simultaneous fundamental and incremental change.

Some changes can be implemented immediately, while others may be planned over a period of time. Only then will it be possible to fully implement this policy in its true spirit



across all government departments and ensure compliance at all levels within 5 years. Societal transformation can also be achieved in the same time span.

A provision for the appointment of the Director, Women and Child development Department as Nodal Officer to oversee and ensure implementation of the policy at the state and appointment of a Nodal officer at each of the 30 districts for a period of three years/ till such time that the whole system is oriented to adopt changes required for implementation of the Karnataka Transgender Policy.

#### **5.1.1 Phase 1- First 12 months**

**Immediate: Mandate inclusion in public services:** Primary health, schooling, access to public resources and spaces must be made mandatory from day one of the policy.

##### **5.1.1.1 In 6 Months:**

- Orientation of all IAS and KAS officers.
- Initiate a process of curriculum building to inform, sensitize and educate all stakeholders in schools, colleges, medical and health sciences, B.Ed. colleges, NCERT and Administrative colleges.

##### **5.1.1.2 In 12 Months:**

- Orient key personnel: The State Institute of Rural Development to train all panchayat leaders. The Police Training Academy and the Judicial Academy will take up the responsibility of training the state police and judiciary.
- A module on sensitization to transgender rights and the context and scope of the state transgender policy to be included as part of the orientation programmes and induction of officers and trainees in the public and private sector.

#### **5.1.2 Phase 2- Month 13- 30**

- **Harmonise existing laws:** There are laws and policies that are not in harmony with the Constitution of India and the Supreme Court directive on transgenders. Make required changes in law and policies that can impede or restrict the implementation of the transgender policy.
- New and revised curriculum to be included for schools and colleges.
- Implement the right to education (free and compulsory education in primary, secondary schools)
- Preference in admission, Reservations in ITI, vocational training colleges, IITs, design, planning and management schools, nursing and medical colleges.



- Introduce hostels for teenage transgender students to help them pursue higher education at the district/ for a cluster of districts or/and at the state level.
- Increase the number of counselling and coaching centres that prepare transgender students for competitive exams for career paths that will be an asset to the community, school to the IAS, and UGC.
- Provide livelihood support and the credit policy to support livelihood options.

### **5.1.3 Final Phase of roll out – 31-36 month**

Review and status report on the implementation of the policy including lessons learnt, best practice.

## **5.2 Reporting and review**

### **5.2.1 Rollout**

**0-90 days:** A baseline community survey to be conducted and the findings presented in consultations in all districts of Karnataka within three months so that the final policy benefits from inputs from the consultations as well as gains clarity on the scale and scope of change that can be envisaged through the policy.

**91-180 days:** After the policy is finalized and approved by the state government and a coordination mechanism is set up within the next 90 days to support its adoption and implementation by its various departments.

### **5.2.2 Monthly**

- From the 6<sup>th</sup> month all concerned departments report to the central monitoring unit on a monthly basis and review every three months.
- The reports are uploaded and updated on a monthly basis on the government website for the purpose transparency, and ease to coordinate and communicate.

### **5.2.3 Half yearly**

Once in six months a meeting is conducted face to face interaction between all concerned government department and implementing agencies and NGO partners, and community representatives.

### **5.2.4 Annual**

An annual monitoring and review report on the implementation of the policy is published by the Director, Women and Child Development Department in January every year, so that it can feed into the planning and allocation of resources for the consequent financial year.



## 6 Laws and legal support

The existing Legal Aid Authority will also provide assistance to transgenders facing problems/harassment without prejudice as is being done for other marginalised sections of the society so that they can seek redressal under law for any problem faced by them. Efforts will be made to create awareness among transgenders about their legal rights.

The legal and law enforcement systems must be sensitised on issues of transgenders and action should be taken up such as –

- i. Amend sexual assault, sexual harassment and domestic violence laws to be transgender inclusive. Presently, Section 375 of IPC does not cover the transgenders as victims of sexual assault. Amend to make it gender neutral in respect of the victim.
- ii. Amend the Juvenile Justice Act to address the concerns of transgender children.
- iii. Amend laws on discrimination at the workplace to bring all workplaces into its ambit, as issues of discrimination are more severe when it concerns transgender employees. At present the threshold is 100 employees or more. This reduces the number of workplaces that need to implement this law.
- iv. Public Opinion will be built to Strike down Sec 377.
- v. Act against parents, family of birth and adoption, who desert or abuse their gender non-conforming children and against doctors who undertake electro-shock or other kinds of unethical conversion therapy.
- vi. Record and compile statistics of crime against transgenders in every police station.
- vii. Provide free legal aid to transgenders seeking redress against discrimination and violence.

## 7 In Conclusion

It is important, but in itself insufficient, to speak of equal rights and inclusion. Equal opportunity needs to be ensured to enable the envisaged change outlined in this policy. Thus the importance of a clear timeline and method to review and strengthen governance and support.

The more polarized the gender roles, the more violent the society. Indian society has been by and large is quite fixed with its position on gender roles aggravating the severity of violence faced by transgenders. The violence faced by the more vulnerable sections



of society, of which transgenders are one, is a leading indicator of the violence in society itself. Thus a policy that promotes an attitudinal change to accept gender diversity and eliminate violence against them will not just liberate transgenders, but people of all genders.

Though discrimination is intense, and the social, economic and political barriers are high, the total transgender population is not large, estimated to be about 30,000 in the state. Implementation and inclusion is doable. Karnataka can become a role model in inculcating and promoting inclusion and life with dignity, and a reason for pride and satisfaction.

#### 8 Annexure 1- A vision for inclusion

There is need is to act with a clear vision to change and include all major actors in the most productive, sensitive and efficient way. Given below is a list of possibilities:

- Counselling centres for parents and children.
- Use electronic media – social media and interactive web space for creating awareness and support similar to existing sites like <https://www.genderspectrum.org/> which support teenage children and families to discuss gender more openly.
- Curriculum to be developed by the NCERT and Universities for schools, colleges, medical and health sciences, school teachers, counsellors, B.Ed. colleges, administrative colleges, curriculum (1 pagers to be included) in all orientation programmes and induction of officers and trainees in the public and private sector.
- The state public information centre should also promote basic information on the policy and its implementation through radio, television and its regular announcements reaching out to general public and particular sections Resident Welfare Associations, elected leaders, religious heads.
- Made part of the curriculum for the orientation of the police, housing, slum board, transport and health department, panchayath and gram-sabha leaders, and state bureaucracy and judiciary.
- Include a campaign to know and respect, include and sensitize for general public in public spaces, through radio, news, television, promote publishers like

Children's Book Trust-CBT, National Book Trust-NBT, Film division and the state Public Information Bureau-SPIB, and Public Service Broadcasting Trust-PSBT to publicise the policy in a relevant and impressing manner.

All such efforts in this direction should include address both aspects, the need to create safe spaces for transgender persons to pursue life and livelihood opportunities, as well



as promoting attitudinal change among people and institutions who can help achieve this. A clear example is provision of short stay homes and a sensitization programme that reaches out to a large spectrum of service providers.

## **9 Annexure 2: Schemes for the welfare of transgenders**

### **9.1 Schemes that generate jobs and income**

- Self-employment grants for taking up small business
- Provide vocational training to TGs in different areas including jewellery making, tailoring, beautician, artist, etc. Reservation of at least 5 seats should be provided to TGs in ITIs and Polytechnics. This would enable them to look for better job opportunities and lead to their economic empowerment.
- Design customised vocational training programmes for the transgenders as per their needs and interest and establish effective linkages with vocational training centres run by private and government agencies
- Training by NGOs on formation and governance of TG SHGs at the rate fixed by the Government from time to time. The existing Udyogini scheme should be extended to cover transgenders and gradually the scope of extending similar schemes such as NRLM, NULM etc. may also be explored. Helpline for career guidance and online placement support should be established. Capacity building and entrepreneurship development for transgender community is a must. Efforts should also be made to register transgenders in the Employment Exchange of the State. Liberal credit facilities and other needed support for economic activities should be provided.

### **9.2 Schemes for Housing/Shelter**

Santhwana Centres, which are run with assistance from various NGOs and provide temporary shelter to women who have been subjected to atrocities can also be utilised as one stop crisis centres for transgenders. Simultaneously, five shelter homes may be opened in different parts of the State for the exclusive use of transgenders according to the population of transgenders in those areas. Under the existing housing schemes subsidies or grants may be provided to transgenders for constructing houses. Day care centres for older transgenders should also be made available. The possibility of providing registered land to transgenders for constructing houses should also be considered. The assistance given for housing of transgenders can be a combination of grants, subsidies, loans depending on the income of the beneficiary.



### 9.3 Schemes for Education

Education grants will be provided to gender non-conforming students as per the norms of scholarship given to OBC students. Government schools and colleges will be open to TG students. Hostel facilities should also be provided to TG students. TG students may be allowed to use male and female toilets. Government should provide fee-waiver, free textbooks, free hostel accommodation and other facilities at subsidized rates for transgender students. The fulfillment of obligations under RTE Act is critical for the improvement in the educational conditions of transgender community.

### 9.4 Schemes for Health care

Transgenders should be included in the Rashtriya Swasthya Bima Yojana and all other health insurance schemes of the State. SHGs or Societies of transgenders can avail the benefits under Yeshaswini scheme also. Health insurance card should be issued to the transgenders. Government will provide financial assistance for Sex Reassignment Surgery (SRS) in selected Government hospitals. Directives will be issued by the Health and Family Welfare Department to all hospitals to provide health care facilities to them without any discrimination. So that they can access all hospitals without hesitation. Proper counselling to transgenders will be given about options available in relation to gender transition and proper post-operative follow-up counselling and support. All public hospitals would have policies and will include registration and admission of transgenders, training and sensitization of health care providers about transgenders and their health issues. Separate HIV Sero-surveillance Centres will be operated since transgenders face several sexual health issues.

### 9.5 Scheme on provision of food

BPL/Ration food cards under Public Distribution System should be given to the transgenders to provide food at free/subsidised cost.

### 9.6 Monthly pension scheme for destitute transgenders

Financial assistance will be provided as monthly pension for destitute transgenders.

### 9.7 Other programmes

Awareness generation programmes, providing job opportunities in areas where they have been trained, on contract basis and also in MGNREGS. Link the outreach of policy priorities through National Health Mission to every village in the country through the trained female community health activist ASHA or Accredited Social Health Activist, who is selected from the village itself and accountable to it, the ASHA will be trained to work as an interface between the community and the public health system. Organising events



regularly with NGOs working for the welfare of Transgenders and other Transgender Associations to discuss all issues and solutions for transgenders to enable finalise future strategies for their welfare. There should be large scale awareness generation and sensitisation programmes by Government through mass media so that the transgenders could be a part of mainstream and are not discriminated against. The Police department officials will be sensitized through trainings so that transgenders are not seen as law and order problem. Transport Department and Urban Development Department should ensure that public toilets for transgenders are made available in public places such as bus stands, shopping places, cinema halls, hospitals, railway stations, etc.

#### **10 Annexure 3: A checklist to ensure inclusive standards in basic services for transgenders**

*(Developed through focused group discussion with 18 participants, including 4 organizations, 5 independent community members, a government representative from WDC, and a facilitator.)*

##### **10.1 Health**

###### **10.1.1 Problems identified:**

Lack of expertise, lack of research and lack of proper standards allow for a lot of medical malpractice, in approach and procedures, leading to extremely painful situations for the patient that at times can be fatal.

###### **10.1.2 Suggestions:**

- a) Free SRS for F2M, M2F (Counselling, Hormone Therapy and Surgery:-
  - o Breast removal surgery –F2M
  - o Breast implantation surgery – M2F
  - o Uterus removal – F2M
  - o Penis construction – F2M (sex change)
  - o Penis castration – M2F (sex change)
- b) Medical Education – should include SRS in its syllabus.
- c) Create a data base of approved doctors and medical centres based on the guidelines
- d) Free health insurance including life partner (Health card and monthly free medical check-up)
- e) Mental health issues (community friendly counselling centres, free treatment and medicines)
- f) HIV Related :
  - o Community friendly counselling centres



- Care and support
  - Free nutrition food monthly once
  - Free testing for PLHIV
  - Free insurance policy
  - Free transportation in Govt buses, to access long term treatment.
  - Health development staff training for TG
  - Non-discrimination for services
  - Legal action on discrimination
  - Housing for PLHIV
- g) Promote transgender health care in the medical academia by including it in the curriculum at the under graduation and post-graduation courses, supporting research, conferences, publications and getting the medical council to set guidelines for minor and major medical interventions. Till such time as we develop local standards the WHO guidelines can be taken as the standard.
- h) Ensure privacy in times of treatment particularly for SRS, there should be a special ward- which could be a single room, 2/4 beds depending on the size of the hospital.
- i) Introduce a health insurance scheme similar to ESI, Yashasvini scheme, where medical costs are covered.
- j) A helpline that is linked to the ASHA workers, anganwadi teachers and district counseling center and the HIV + community care center should be introduced. Suicide support groups can be formed at district level to enhance local support against depression and suicidal tendencies.

## 10.2 Employment

### 10.2.1 Problem identified

Employment is not an option for most of the community. So in the short run the focus could be on livelihood options, entrepreneurship, but increasing employability should be part of the design. Inclusion in the formal education and creation of employment opportunities should be a linked priority. Inclusion from primary, middle, secondary and higher education should be monitored carefully as it is the biggest block in development.



### 10.2.2 Suggestions:

Suggestions to create increase employment opportunities and make work spaces more inclusive. Employment should be promoted in all avenues - Government, Private, MNC and self-employment sector

- a) Transgender working committee and a help desk to monitor
  - o Positive discrimination and reservations.
  - o Reserve all the government benefits as per law.
  - o Transgender children benefits from concern Government job related to person (nominee)
  - o In submitting and screening of tenders there should be no discrimination based on gender of applicants.
- b) Inclusion measure in workspace
  - o Anti-discrimination desk in all the government sectors
  - o HR Department (Should have clear guidelines to measure inclusion and criteria to punish discrimination based on gender)
  - o Equal pay, opportunity and benefits across all genders.
- c) Loans and credit :
  - o All private, government, society and co-operative financial sector should provide loan on basis of the needy requirement and on basis of legal documents (state wide)
- d) Relaxation of terms and conditions for investment loans.
- e) Plan of separate schemes can be drawn based on existing schemes, schemes for self-employment.

## 10.3 Education

### 10.3.1 Overall

- a) Orientation about Transgender community in all Educational Institutions (Through Anganawadi workers reach out family members to sensitize about trans child in their family)
- b) Monitoring committee or cell should be in place at all education institutions to address stigma, discrimination, sexual abuse and violence on trans people
- c) Need to define indicators for a friendly policy and go beyond non-discrimination.
- d) Reservation in all level of education
- e) Trans community should be included in Sarvashikshana Abhiyana, RTE and similar efforts to promote literacy and reduce drop outs.



### **10.3.2 Specific corrections:**

- a) Syllabus – curriculum should be checked for portraying transgender community negatively in its literature and language books. Also remove positive reassertion of orthodox gender roles.
- b) Include information on the gender diversity in the syllabus.
- c) Reservation: All levels of formal education system should have reservations for transgender students, may column of others or transgender identity
- d) Certifications: There should be a timely process to change their name and gender in their educational certificates.
- e) Consideration and scholarship for trans children for their education
- f) Neutral uniform for all students
- g) Common Toilet in all schools, colleges and education institutions.