HUMAN RIGHTS TO EDUCATION OF TRANSGENDER PERSONS AS A THIRD GENDER

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Abstract

Education is critical to the growth of every democratic democracy. India is a democratic nation. The spirit of the Indian Constitution is to provide every person an equal chance to grow and achieve their potential, regardless of caste, religion, or gender. Everyone has a sense of gender. There are three genders in India: male, female, and transgender. In a major decision, the Supreme Court of India granted hijras (transgender people) "third gender" status in April 2014. According to the 2011 census, there are around 4.9 lakh third gender people in the country who endure societal discrimination and harassment. Transgender people were formerly revered in society, but that has changed, and they now endure discrimination and harassment. Transgender people were previously respected in society, but that has changed, and they now endure discrimination and harassment. Transgender students will now be admitted to schools and colleges under the category of "disadvantaged group" as specified by the Right to Education Act 2009 (RTE). Transgender people are entitled for a 25% reservation under the economically disadvantaged section (EWS) and disadvantaged pupils category for admission. They are economically and socially backward. Transgender people will be admitted to educational institutions and offered jobs because they fall into the third gender category. The Supreme Court ruled that the absence of a legislation recognising hijras as a third gender could not be used to discriminate against them in education and employment. They would be awarded educational and job reservations as OBCs, according to the Supreme Court. Transgender people are excluded from social and cultural activities and are rejected by family and community. This study is a first step towards increasing transgender involvement in mainstream education, including higher education, professional education, and employment. The research examined the current educational, social, and employment situation of India's transgender.

Keywords: Transgender, Education, Human rights, Mainstreaming, Social stigma ,Discrimination

Introduction

Discrimination in education against transgender students is increasingly being challenged, not only by transgender students and their parents, but also by lawmakers and legislators in countries where this recognition of rights based on gender identity is supported by national level application of non-discrimination law.

Equality and non-discrimination are the core principles of international human rights law, and gender discrimination has long been prohibited. The Unesco Convention against Discrimination in Education (1960, CADE) applies this restriction especially to the sphere of education, stating that any and all types of discrimination in education, including on the basis of gender, are illegal. However, increasing interpretations of non-discrimination law have accepted uneven treatment of persons based on gender identity as well as biological sex.

General Comment 20 of the Committee on Economic, Social, and Cultural Rights explicitly states that "gender identity is recognised as one of the prohibited grounds of discrimination; for example, persons who are transgender, transexual, or intersex frequently face serious human rights violations, such as harassment in schools" (General Comment 20, para. 32).

In the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Committee on the Elimination of Discrimination Against Women (CEDAW) has also accepted gender identity as an argument for discrimination. The Committee states in General Recommendation 33 (para. 8) that "discrimination against women is exacerbated by intersecting factors that affect some women to varying degrees or in ways that differ from those affecting men or other women." Identity as a lesbian, bisexual, transgender, or intersex woman or intersex person may be grounds for intersecting or compounded discrimination. ' In its most recent General Recommendation 35, on gender-based violence against women, the Committee advises that governments abolish any legal provisions that are 'discriminatory against women and so codify, promote, enable, justify, or accept any kind of gender-based abuse. In particular, laws that...allow, accept, or condone forms of gender-based violence against women, including measures that criminalize...being lesbian, bisexual, or transgender' (General Recommendation 35, para. 29).

Definition of a transgender

Confusion might arise when it comes to the distinction between sex and gender, therefore it may be good to establish what these terms, as well as 'gender identity,' 'transgender,' 'transexual,' and 'cisgender,' imply. Except for the final definition, all of the definitions used here are from the glossary in the entire Unesco study.

Transgender persons have mental - gender sensitivity that differ from their natural gender sign. People who have a gender identification that differs from the gender given to them at birth.

On November 26, 2019, Parliament passed the Transgender Persons (Protection of Rights) Bill, 2019:

- According to the bill, a trans person is someone whose gender does not match the gender assigned at birth. It makes it illegal to discriminate against them in employment, education, housing, healthcare, and other services.

- The Bill also provides for gender identity self-perception. However, it requires that each individual be recognised as 'transgender' on the basis of an identification certificate issued by a district magistrate.

Literature Review

1. 1. Transgender persons face more prejudice than gay, lesbian, and bisexual people, which has a negative impact on their health and well-being throughout their lives (Kcomt, 2019; Lambda Legal, 2010; Macapagal, Bhatia, & Greene, 2016). Discriminatory behaviour in healthcare settings can vary from being denied healthcare to being physically, verbally, or sexually assaulted (Grant et al., 2011; James et al., 2016). Avoiding or delaying care, on the other hand, can result in worse physical and mental health outcomes (Seelman, Colón-Diaz, Le Croix, Xavier-Brier, & Kattari, 2017), and selective disclosure can result in inappropriate care or missed opportunities for preventive care (Bauer et al., 2009; White Hughto, Reisner, & Pachankis, 2015). Despite the fact that transgender persons face prejudice while seeking healthcare services, transgender groups are not homogeneous. There is a lack of information regarding their disparities in access to healthcare, education, and welfare programmes depending on gender identity/expression, and how this may be adjusted by other variables.

2. Transgender and Hinduism- According to certain religious writings on Lord Shiva, there is a version of Lord Shiva combining with Goddess Parvati, and they are in the form of ardhanari, which means half Shiva and half Parvati. This represents transgender's special existence in our mythological literature, where they were given special status, and thus it's not new, strange, or wrong if a person is transgender; he or she is also a normal individual like others in society, and should be given equal rights and opportunities.

3. Transgender and the Ramayana- It is said in some sacred Ramayana literature that when Lord Rama was going for 14 years of long exile and many of his subjects did not stop following him on his way to the forest, he gathered them all at one place and asked all the males and females to return to the Ayodhya kingdom. Here he noted that those (transgender) who are neither male nor female remained standing at the same area where Lord Rama made his message to everybody; witnessing this dedication, he granted transgender the boon of conferring blessings on people on different significant occasions such as weddings, childbirth, and so on. This origin is connected to the numerous jobs that transgender people do today.

The current study was conducted to examine the challenges and possibilities of transgender people in today's environment, in order to expose their concerns and challenges and bring them into the mainstream.

Rationale of the Study

In relation to socio-cultural issues, family members frequently do not accept transgender people and keep them apart from society. Transgender people suffer a number of challenges in family and community, including verbal and physical abuse, isolation and rejection, and denial of family property. Society frequently stigmatises and discriminates against transgender people based on their sexual orientation or gender identity. In today's worldwide context, social stigma involves being looked down on, labelled, and facing a negative/generalized attitude throughout one's existence as a transgender person.

The present investigation is an attempt to look at the challenges they face in terms of educational endeavour, health seeking behaviour, employment viability, societal stigma and discrimination faced by transgender in terms of sexual and gender identity in a broader sense, and perennial factors determining socioeconomic deprivation.

Research Questions

Research questions answered through the study here
1. What is the socioeconomic position of transgender people in Delhi's.?
2. How does their gender identification impede their inclusion in the family and society in Delhi?
3. What are the current limits for transgender people in terms of educational achievement, health care, and career opportunities in this District?
4. What is the nature of their deprivation, as well as the elements that influence the societal stigma connected with the transgender community in Delhi?
5. What is the current educational, social, and employment situation of the transgender population in delhi?

Research Objective

The present study was conducted to fulfil the followings objectives

1. To understand the problems and reasons of transgender socioeconomic challenges.

2. To examine the transgender community's need for health care and economic opportunities.

3. Investigate the present state of employment opportunities.

4. To examine the societal barriers to community acceptance.

5. Access to government social programmes and transgender perception

6. To know the current educational, social, and employment situation of the transgender population?

Tools

Questionnaire / schedule - Self-administered questionnaire has been used and pre-testing conducted
before the final data collection.

Sample of Population

The sample size of 100 Transgender through random selected was taken in respect of their
Challenges faced in terms of their socio- economic and cultural wellbeing.

Dependent Variable

Socio-economic and cultural challenges will the dependent variables.

Independent variable

Age, Education level, Rural / urban background, Health services, Social stigma, Livelihood opportunity, Government welfare schemes.

Data Analysis and Interpretation

The data collected was tabulated and analysed. Statistical package SPSS has been used for properanalysis of data. On the basis of the findings, interpretation, conclusion the final suggestions havebeen drawn as follows:

Results and Findings

Table-1. Age of Respondent

- 15-20 Year and above
- 21-25 Year and above
- 26-30 Year and above
- 31-35 Year and above
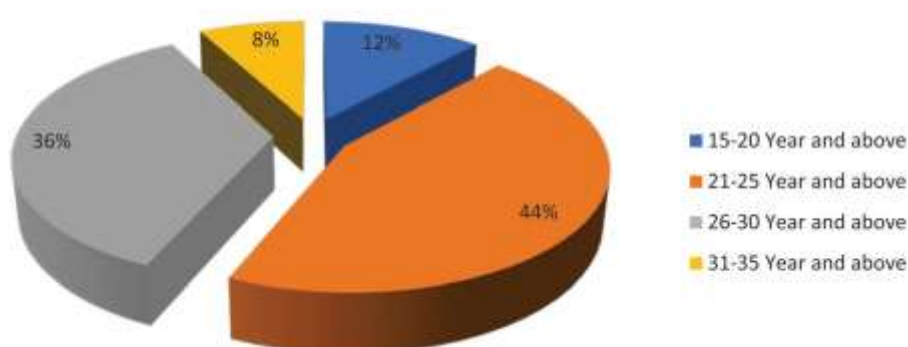
The age distribution of the respondents involved in the research is depicted in the pie chart, table-1, above. According to the survey, about half of the respondents are between the ages of 21 and 25, followed by those between the ages of 26 and 30, and others.

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Table-2. Gender Identity at the Time of Birth
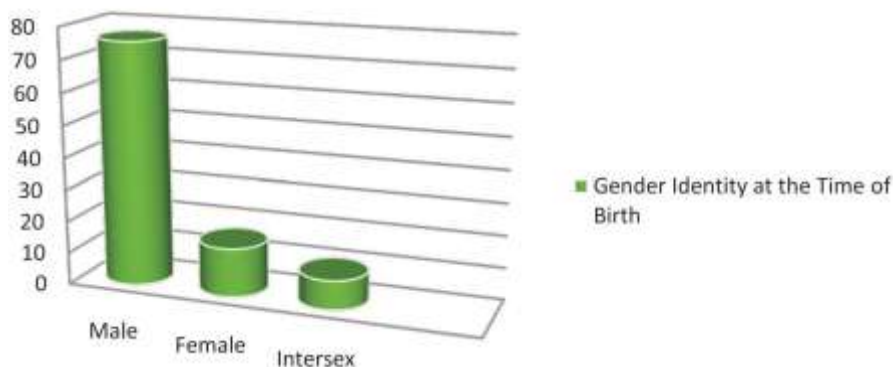
The graph in table-2 above depicts the gender of all respondents identified at the time of their birth. According to the findings of the study, about 80% of transgender people identify as male based on their physical characteristics, whereas 10-20% identify as female or intersex.

Table-3. The present Gender Identity
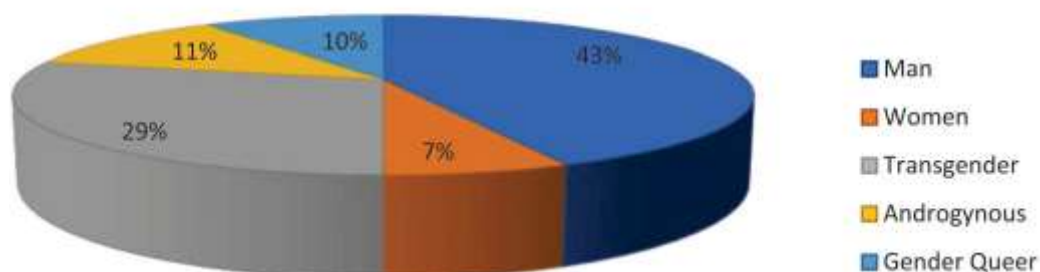
The chart in table-3 above indicates the respondent's current gender identification based on their physical features. And it has been discovered that around 43 percent of persons have a male identification, followed by 29 percent who are transgender, 11 percent who are androgynous, 10 percent who are gender queer, and 7 percent who have a feminine identity. This demonstrates that the majority of transgender people appear to have masculine physical traits rather than feminine or transgender body features. This is also one of the causes for the transgender person's late identification based on physical bodily traits that resemble those of a guy.

Table-4. Catogery
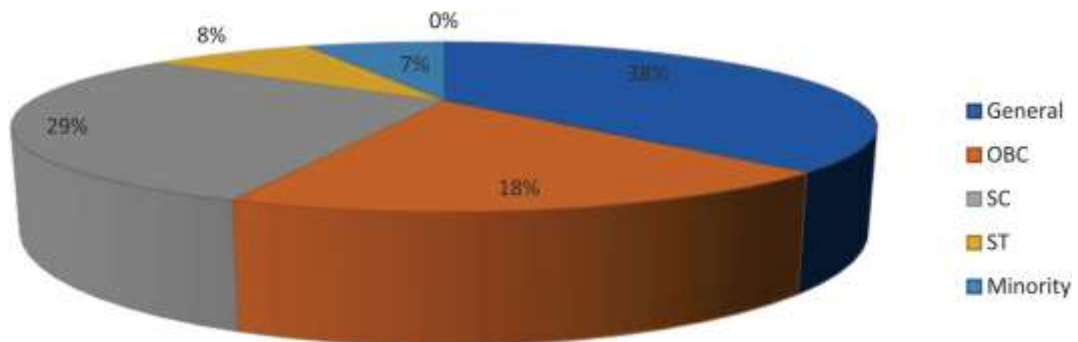
The above table-4 shows the distribution of respondents by category, which shows that a large number of transgender people belong to the backward class category, which accounts for more than half of the total number, including scheduled caste, scheduled tribe, minorities, and other backward class (OBC).The general or unreserved group accounts for 38% of all.

Table-5. Religion
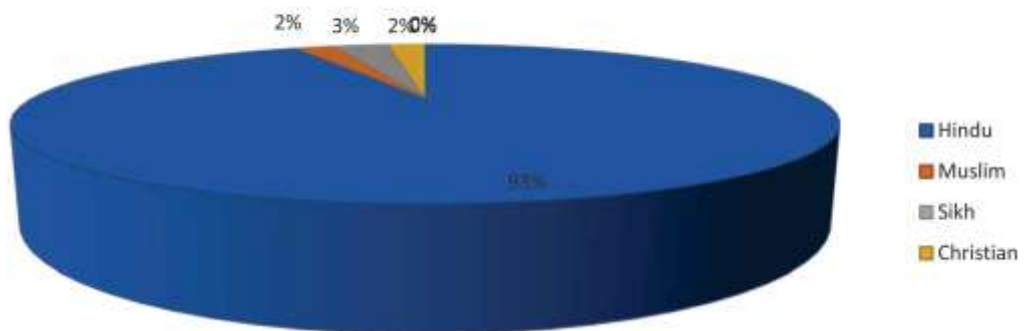
The above table-5 pie chart represents the religion status of the transgender respondents which shows that above 90 percent of the total population belongs the Hindu religion profile, followed bythe 3 percent Sikhs, 2 percent Muslims, and 2 percent of Christians.

Table-6. Whom do you Reside /Stay with
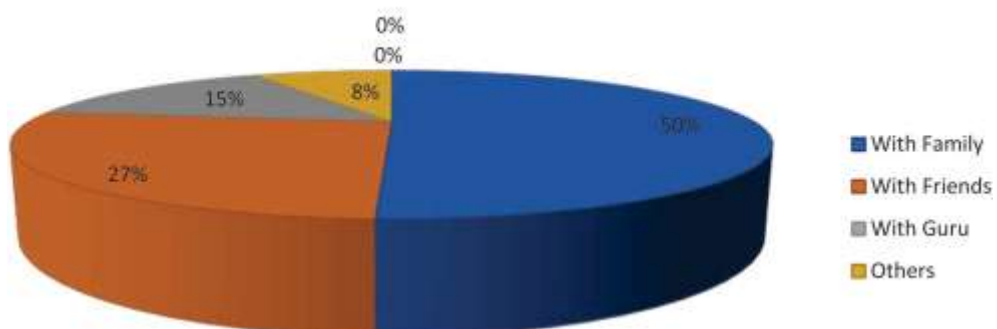
The graph in the above table-6 illustrates where the responder now resides. According to the research, 50 percent of transgender persons live with their families, 27 percent with their friends, 15 percent with their gurus, and 8 percent with others.

Table-7. How much Education you have completed
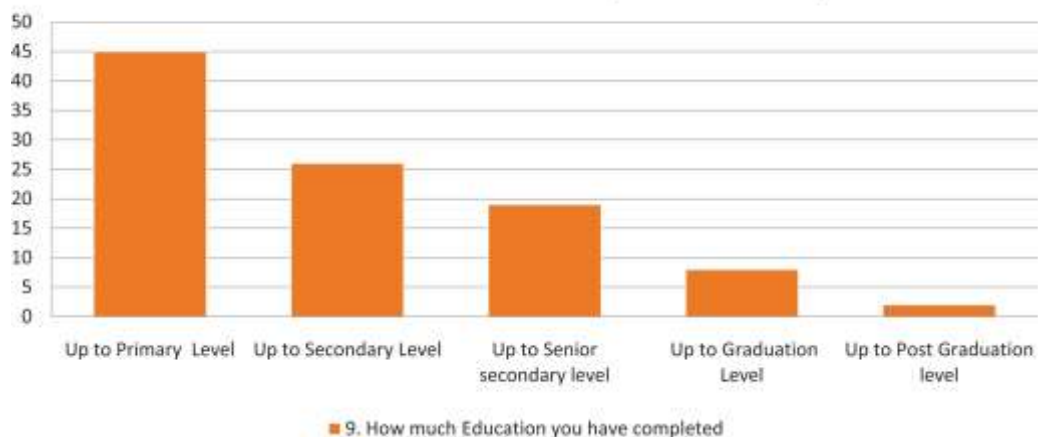
The above graph in table-7 depicts the respondents' educational qualifications. According to the data, more than 40% of the total population has only completed primary school, while only 25% have completed secondary school, nearly 20% have completed senior secondary school, approximately 15% have completed graduation, and only 1-2 percent have completed post-graduate school. This data shows that education is in poor condition and out of reach for many people due to numerous forms of prejudice that exist in society.

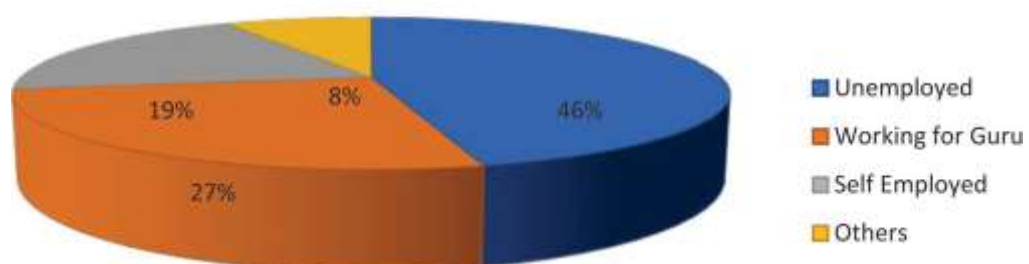## Table-8. What is your current employment status?


Table-8's pie graph above depicts the employment situation of the transgender community. According to the above-mentioned responder statistics, 46 percent of all persons are jobless, which means they do not have employment or a job. While 27 percent of transgender persons work for their gurus, 19 percent work for themselves. This total data demonstrates the community's economic backwardness.

Table-9. Did your peer in school involve you in the group activities ?

The above table-9 discusses transgender students' participation in group activities while in school. And the result indicates that 73% of respondents believe their classmates and friends do not include them in group activities. Only 27% of the responses are favourable, indicating prejudice against the community at the institution, for which many causes such as social stigma, a lack of proper information, awareness, and so on are to blame.

Table-10. if drop out /discontinued at what clas:
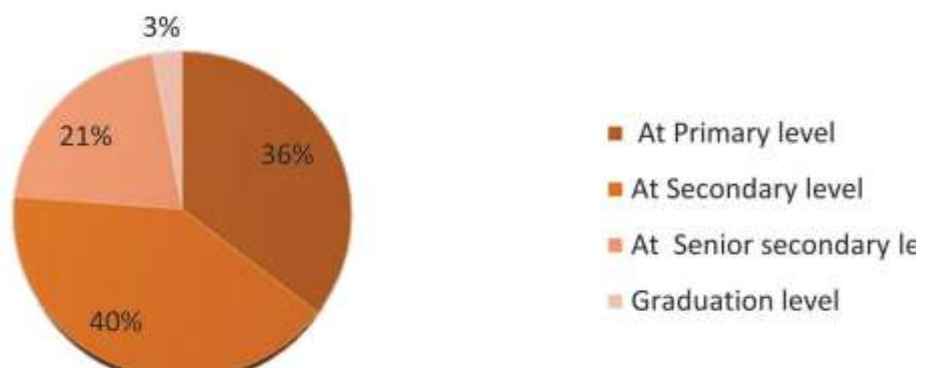
The data for the dropout is presented in the above table-10, which class the student of the transgender community ended their education because of prejudice, societal pressure, and so on. According to the data, around 36 percent of students drop out at the primary level, 40 percent drop out at the secondary level, 21 percent drop out at the senior secondary level, and 3 percent graduate. This research indicates that the transgender population is excluded from the regular school system due to high dropout rates.
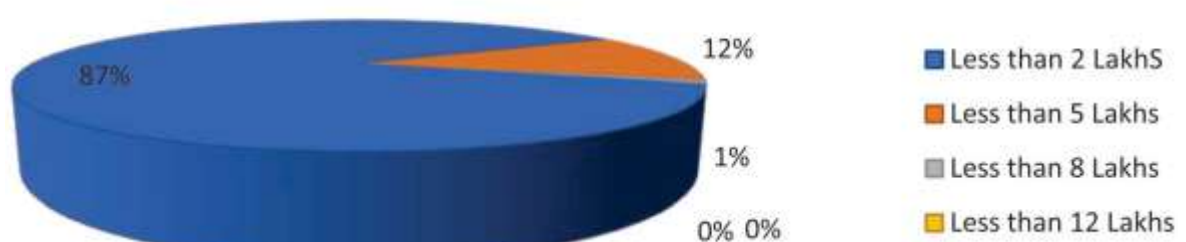
Table-11. Present Income

Table-11 depicts the economic situation of the transgender population based on their current annual income. According to the figures above, over 87 percent of individuals have an annual income of less than 2 lakh rupees, and 12 percent have an income of less than 5 lakh rupees. Transgender people's economic disadvantage drives them to engage in a variety of harmful behaviours, reducing their equality and respect in society.

Table-12. What types of vocational skills / courses you desire to choose for your career enhancement?
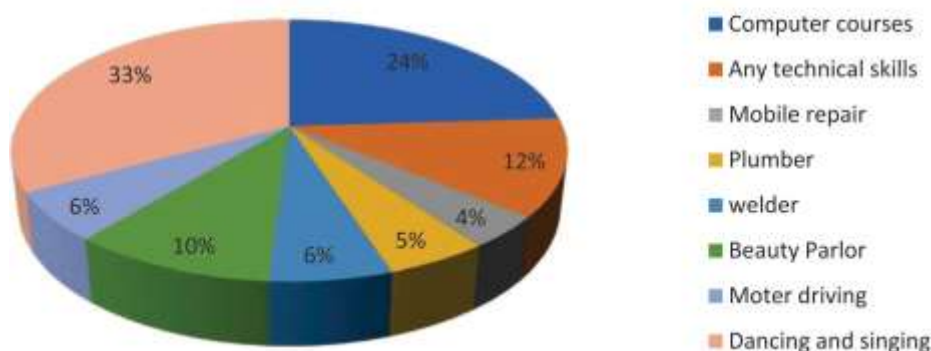
The table-12 above discusses transgender people's desires and their interest in various occupational skills they wished to obtain to further their careers. According to the responses, 24 percent of people want to learn computer courses to advance their careers, 33 percent of transgender people want to pursue singing and dancing as a career, 12 percent of respondents want to pursue any technical skills, 10 percent of respondents want to pursue beauty parlour as a career, and other skills include mobile repair and welding.

Discussion:

Our findings reveal that transgender stigma is a barrier to educational attainment, healthcare access, and receiving the advantages of government social programmes accessible to transgender persons. Transgender students' educational opportunities are extremely precarious. The majority of them are socially and educationally disadvantaged. Most of them are obliged to work for a living and do not have the opportunity to complete their basic education. They refuse to finish their education despite multiple government programmes and assistance from various non-governmental organisations. A case study of three transgender people was undertaken against the backdrop of several bills from India's Hon'ble Supreme Court. The findings revealed that a variety of external variables have substantial roles in discouraging transgender people from pursuing their formal education. Only money, they believe, can bring a better life than any formal education.

In the Indian setting, no formal schooling for transgender people is common. They are

separated from their families and schools; transgender people drop out of school, jeopardising their future employment chances. A detailed examination of numerous publications and discussions with community and stakeholders indicate that transgender people are typically ignorant or undereducated, making them unwilling to pursue their education. The most common level of education found was secondary (Matric) or senior secondary. Enrollment is relatively low, and the dropout rate at the elementary and secondary levels remains quite high. They are neither educated nor recognised by society, and hence do not acquire adequate schooling. Even if they are enrolled in a school, they experience harassment and bullying on a daily basis and are either asked to leave or drop out on their own. As a result, they resort to begging and sex work. It is obligatory for the government to provide inclusive education and adult education to transgender pupils.

It was discovered that given the absence of education and skills, individuals have few alternatives for a living and are mostly involved in immoral activities such as begging and sex work. Transgender people face discrimination and are excluded from mainstream society because of their gender identification. In comparison to transgender women, cross-dressers had lower probabilities of avoiding healthcare owing to expected prejudice, according to our findings. They were also the least likely to have revealed their identities to the majority or all of their social network. The inclusion of transgender people in this study brings attention to a population that is under-represented in transgender health research. The yearly income in this study group is much lower than in the general population, demonstrating the economic hardship that transgender persons endure greater levels of unemployment and poverty.

However, educational and healthcare providers and organisations must establish welcoming settings in which transgender people can feel confident disclosing their transition status and receiving appropriate treatment and support e.g

Transgender challenges to basic fundamental rights-Over the years, the transgender population has faced several challenges in society. If you ask most people in our nation about trans people, they will tell you that they are known as HIJRA and that they have seen them begging around traffic lights and inside trains. However, this is not the end; some individuals complain about their terrible behaviour but refuse to investigate the causes of their bad behaviour. This is the sad reality, and the truth is that our culture is mostly responsible for their plight since we never regarded them to be members of society.

They are abandoned by their own families, and you will never find a trans person attending at the same school or university as you, and severe treatment from other individuals in society contributes to their 'bad' behaviour. Lack of access to school and a lack of work opportunities frequently pushes them to resort to begging and prostitution.

For example, a transwoman called Sharma expressed her experiences, saying, "When I started wearing a saree and became Trans, people started insulting and making fun of me." My family was also causing me troubles. We survive through begging and have done so since antiquity. Our task is not a new one. During the kingdom period, here in India, there were

dancers who performed dances for money. That was also a form of pleading, and we would no longer be miserable. We may continue dancing as before. Everything is now under government supervision, making things more confusing. Everything has changed over time. Everything is now under government supervision, making things more confusing. Everything has changed over time. There are now vocations such as police officer, lawyer, and doctor, however the HIJRA position no longer exists." (In India, the third gender is known as Lofi. Hijras, Kinnars' daughters in 2020) .

"These days, police don't allow us to beg on the streets," stated another transwoman named XXX. How will we survive then? We quit begging for a while and attempted to work in a clothing store, but we were treated unfairly. They were addressing us as HIJRA - HIJRA or GOJJA - GOJJA, very revolting. These things irritate us. We plead because God has given us this life. We have no other choice." (In India, the third gender is known as Lofi. Hijras, Kinnars' daughters in 2020)

These are two pieces of evidence that explain their existence, how our society deals with them, and how we loathe them. We are the twenty-first century generation, but such barbarism still exists.**When did the process of acknowledging transgender as third gender begin?**

Legalisation of the third gender -Transgender people would be considered India's third gender. That is, males are represented by the letter M, women by the letter F, and transgender people by the letter X.

Recognising fundamental rights-The transgender community will be granted all essential fundamental rights and will face no discrimination.

Psychological tests were preferred over biological tests, and forcing a person to undergo surgery was deemed unlawful-Concerning the actual technique of recognition, the court simply stated that they prefer to follow the person's mentality and apply the "Psychological Test" rather than the "Biological Test." They further state that requiring Sex Reassignment Surgery (SRS) as a condition for altering one's gender is against the law.

The Centre and State Governments have been asked to take appropriate measures to give medical care to transgenders in hospitals, as well as to provide those separate public restrooms and other amenities. They have also been asked to implement distinct HIV/Sero-surveillance procedures for transgenders.

These are the widest directions--raising public awareness to reduce the stigma associated with transgender people. The Centre and State Governments were asked to take steps to raise public awareness in order to better integrate transgender people into society and end their treatment as outcasts; to take steps to reclaim their respect and place in society; and to

seriously address issues such as fear, shame, gender dysphoria, social pleasure, depression, suicidal tendencies, and social stigma.

The reservation and socio-economic rights for the welfare of the community -According to the SC's judgment, the Centre and State governments have been asked to provide various social welfare schemes to the community and they have been also asked to extend reservation in educational institutes for public appointments. (Sikri, 2014).

Implications for practice and policy

The findings of this study raised the awareness about how transgender stigma, underpinned by their self-identityhas affect education, healthcare and welfare for transgender people. We found differential experiences of healthcare access across gender identity/expression subgroups. Health systems should consider these differences in their efforts to improve accessibility of services to transgender communities.

Education, Healthcare and welfare organizations should conduct a self-assessment of their policies and practices, and engage their staff in designing and implementing change to build a trans- affirmative environment. Examples of such change efforts include: the development of patient and employee non-discrimination policies (to ban discrimination against sexual orientation, gender identity, and gender expression); creating a process for reporting and redressing discriminationif it occurs; incorporating inclusive language on intake forms and assessment tools; promoting a welcoming environment within the physical space of the organization (such as the availability of universal bathrooms or placing trans-friendly visual cues in the waiting area) in the educational setup.

limitations

The present study is limited to Delhi with small sample of 100 transgender. Therefore, these findings may underestimate the true prevalence of vulnerabilities experienced by transgender people. Lastly, the study used a cross-sectional design and thus, causality cannot be inferred.

It was also observed in the daily life that the transgender community is forced to beg on the roads,on the crossings, in buses or even wandering from household to household with lack of social life.

Future Research Needs

Further research on transgender and their wellbeing are needed to gain a deeper understandingof their experiences. In particular, qualitative or mixed methods approaches may facilitate theory building to understand the general population and their deprivation in terms of socio-economic experience of transgender, and to elucidate the challenges encountered by non-binary identities within a predominantly gender healthcare system. The present study showed how the respondents' challenges and opportunity in terms of

health, education, welfare scheme and societal stigma related to their transgender identity impacted their overall development in current scenario and access to services. Future research can explore the complexity of these factors in transgender wellbeing and educational and health access behaviour. Lastly, more information is needed regarding the impact of education, healthcare and access to available welfare services and scheme for the mainstreaming of transgender.

Suggestions /Recommendations:

1. Awareness and sensitization on the issue and concern of transgender community should be a part of State, National, Community based and institutional level programme in the forms of slogans, logos, corner meetings a part of making the overall conducive environment for Transgender.

2. Setting up of transgender community friendly infrastructure and resources in the public institutions like police station, educational institutions, hospitals, public transportation, etc. for active participation of the community member Can help in the process of mainstream.

3. At all levels of education, positive side, success stories about the community should be included in the curriculum in order to have the inclusiveness of the community from the starting among the society.

4. Increase and promote the active participation of the community in the political, social, economic and developmental, cultural, sports activities through various interactive programmes to boost confidence in them and make them feel inclusive, equal, and competitive.

5. Coming up of more legal policies and actions and the proper implementation of the same   to bring the transgender community from marginal to the mainstream of the society as a whole.

6. In addition to the legal support, there needs to work upon the socialization of the community or their social acceptance in the society through sensitization programmes, active participation of RWAs, women's club, senior citizen's club, etc.

7. Advocacy, IEC (information, education and communication) activities of transgender act 2019 document which talks about the methods for bringing the transgender community in the mainstream society.

8. Develop and promote the proper research mechanism for better understanding of the various
   issues of the community. And support of financial mechanism for the same.

9. Orientation/training programs for the gurus and gharanas of the community as well as for the public representatives like MPs, MLAs etc. To As a part of extension activities to aware the people and make people understand about the developmental issues of the transgender community.

Conclusion

Following independence, the government implemented various welfare initiatives to mainstream the transgender population, although suspicion of transgender people has persisted. This has pushed transgender people to the margins, with no genuine attempt made to mainstream them. There has been no significant attempt by Indian legislation to incorporate this people into the general population. Despite recent acknowledgement and societal acceptability, TGs continue to be an ostracised and separated social class in India. To summarise, transgender is a term used to describe persons who have their gender altered in a methodical manner.Significant work is being made in **Delhi** to make transgender students' rights to non-discrimination in school a daily reality for them. This is the situation now, so if we compare this modern age to the ancient age, one thing only I can say is that- during the ancient time, these transgender people were not treated so rudely, but now we have changed a lot with the age, we have learned to be modern, but we have not changed our negative attitude towards the transgender community yet. Will we ever be able to modify our ruthless attitude? Is it conceivable? Or, if this mentality must be altered, what is the best approach to do so? What should we do?

We must all take responsibility and educate society so that transgender people are not separated from us, because they are also members of society, and the government should approve various programmes and schemes so that they may obtain their own rights and educate themselves.

In the Indian Constitution, Right to Equality is given under Article 14. It is one of the fundamental rights. It guarantees every person the right to equality before the law and equal protection under the law, and according to Article 21- No person shall be deprived of his life or personal liberty except in accordance with a procedure established by law, so we must follow the law and respect every citizen (men, women, and transgenders), because ultimately we are all humans, we are all Indians, and there is no better way to make India better.

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