



Email:editorijless@gmail.com

Volume: 5, Issue4, 2018 (Oct-Dec)

## **INTERNATIONAL JOURNAL OF LAW, EDUCATION, SOCIAL AND SPORTS STUDIES (IJLESS)**

<http://www.ijless.kypublications.com/>

ISSN:2455-0418 (Print), 2394-9724 (online)

2013©KY PUBLICATIONS, INDIA

[www.kypublications.com](http://www.kypublications.com)

**Editor-in-Chief**

**Dr M BOSU BABU**

**(Education-Sports-Social Studies)**

**Editor-in-Chief**

**DONIPATI BABJI**

**(Law)**

©KY PUBLICATIONS



## TRANSGENDER AND THEIR HEALTH ISSUES

**JAISANTOSHIMA NAGAPPA**

Research Scholar,  
Department of Law,  
Gulbarga University, Kalaburagi  
Karnataka, India.



JAISANTOSHIMA NAGAPPA

---

### ABSTRACT

Transgender people suffer lot of inequalities in all aspects of life. They met lot of challenges in their daily life by family members, friends, neighbours, and friends as well as lot of discrimination by the society. There is a lack of sufficient access to quality health care and as well as they face so much of difficulties in obtaining there appropriate name and gender designations on their identity documents and they face rampant workplace discrimination. Denial of the recognition of human rights for any group of individuals is a denial of their humanity and it may result in discrimination in housing and it automatically its affecting on the ability to purchase food, shelter and mainly health care. And there is a lack of benefits which are affecting the ability to pay for health care and mainly financial security and as well as harassment and stress which affecting in mental health and it promotes substance like abuse, smoking and suicide and also sexual health risks, including HIV and physical abuse and injuries, torture and death. As we all know that the health is wealth so my first move of the research is that the transgender community people also recognize the Right to Health care and to be enjoyed by the all and legal enshrinement of the Right to Health Care by enacting a Public Health Services Act. Reforming the medical establishment. The pressure need to address the transgender health and their issues and rights exists in almost realm in the Indian society.

**KEYWORDS** : Transgender; HIV; Health Care; Denial; Rights; Society.

---

### INTRODUCTION

Transgender are people that were assigned male at the time of birth but have strongly feminine gender expression and as well as feminine identity as too. In India the transgender community people are existing in a marginalized population because of their gender identity and as well as by their gender expression. The term "transgender" is a general term used to describe those who transcend conventional gender roles. Transgender people may live full or part time in the gender role opposite to their biological sex and they are categorized as neither man nor woman"<sup>1</sup>.

It is a term refers to a diverse group of individuals who may act, feel, think or look different from the gender that they are assigned at the time of birth. The term transgender broadly describes persons whose gender identity does not conform to conventional gender norms associated with their birth-assigned sex. Sex and gender are closely related concepts that encompass complex biological, behavioural, social, and cultural attributes<sup>2</sup>.

Transgender face sexual assault and physical violence by police and public. These transgender community people face discrimination and harassment in health care facilities. Many reports exploring that transgender HIV prevalence is more.

Access to health care is undoubtedly one of the most critical issues for the transgender people, due to extreme degree of discrimination against transgender people in our health care system.

#### **WHAT ARE THE HEALTH NEEDS AFFECTING TRANSGENDER PEOPLE?**

There are numerous social, psychological, economical, medical determinants that together create difficulties making transgender susceptible to pitiable health implications which negatively affect transgender lives and well-being. Precious economic status, substance use, low self-esteem, social vulnerability, and there is a lack of social support and these are the some common barriers to adopting and maintaining safer behaviours that can prevent the acquisition or transmission of HIV/AIDS and the transgender individuals are often reluctant to seek medical care and are also denied medical access by providers due to transphobia/homophobia or a lack of knowledge or experience with the transgender health<sup>3</sup>.

According to the Gay and Lesbian Medical Association (GLMA) besides HIV/AIDS, issues related to transgender health include breast, cervical cancer, hepatitis, mental health, substance abuse, tobacco use, depression, access to care for transgender persons issues surrounding marriage and family recognition conversion therapy and the refusal clause legislation and the laws that are intended to immunize health care professionals from liability for discriminating against persons of whom they disapprove. These people experience health issues and barriers related to their sexual orientation and gender identity and expression<sup>4</sup>. Transgender people face unique challenges mainly based on their gender identity. Seil (2004) he found that the transgender are disturbing largely by their mental health diagnosis and the second largely by the substance abuse and as well as by the alcohol and the drug abuse.

#### **HIV AND SEXUALLY TRANSMITTED INFECTIONS**

The HIV/AIDS epidemic has had a devastating impact on transgender people. Although the centres for Disease Control and Prevention do not report HIV/AIDS rates among the transgender community people, there is a need for greater HIV/AIDS testing among the transgender people. Despite high HIV prevalence rates, there is evidence suggesting a treatment gap exists among transgender women living with HIV/AIDS. There are frequently forced into sex work to make living, and are subsequently at increased risk of sexually transmitted diseases and also infections. The Government of India in recent data estimates that there are HIV/AIDS epidemics prevalent among transgender which is 18.80%<sup>5</sup>. Which makes the transgender population irrisistant to acquisition or transmission of HIV/AIDS and intensifying disease progress putting Indian transgender in the danger until effective prevention and control measures are not scaled up throughout the country making transgender people one of the groups most vulnerable to HIV/AIDS.

#### **DEPRESSION, STIGMA AND DISCRIMINATION**

Transgender people are particularly prone to depression and anxiety in addition to the loss of family and friends, and they face job stress also and the due to the risk of unemployment. Transgender people who have not transitioned and remain in their birth gender are so much of prone to depression and anxiety. Suicide is a risk both prior to transition and afterwords. One of the most important aspects of the transgender therapy relationship is management of depression and/or anxiety. Transgender community people often face lot of discrimination both at the community and at national level. Transgender people face stigma and discrimination, preventing them from accessing opportunities that the other prime gender in society can enjoying and when it comes to the transgender they face lot of discrimination and stigma. This discrimination factor push them into the

sex work to earn money and for their lively hood too and this putting them in to at the high risk of sexually transmitted infections”<sup>6</sup>.

### **FAMILY REJECTION AFFECTS HEALTH AND MENTAL ISSUES**

The transgender youth who are rejected by their families because of their gender identity and gender expression mainly had much lower self esteem. The transgender who are not accepted by their family are very high risk of mental and health problems as I already explained transgender for their survival and lively hood they do begging and prostitution that is work as sex worker because of lack of employment and we can say that due to the mainly rejection of the society and by their families too made to choose these low category jobs and health risky jobs put them to face lot of health risk. Due to this health disorders made him to face sexually transmitted diseases and HIV. A well knowledged well educated or ability transgender also not get jobs because no body want to take them as employee that is no one will provide job for this community people. Due to the rejection made them to select these health risk jobs as their jobs for survival. And one more thing mainly rejection by their family and friends put them in to the mental issues like depression and other problems too.

Some personal issues may also put them into the tremendous struggle for self acceptance, personal issues include shame, fear. And fear of relationship or loss of family relationship and self imposed limitations on expression or aspirations in life. And also some social factors also made often the transgender people made unable to engage in everyday activities, such as renting an house or apartment or buying daily need groceries, without confronting bias and discrimination or being targeted by violence or threats of violence. Transgender people rarely have recourse to any legal protection against discrimination in employment, public accommodations or other areas which include denial of access to education, social services such as homeless shelters, rape crisis centres, medical clinics. Fear of repercussion or retaliation for exerting one’s ordinary rights, such as speaking out in public places, Abusive treatment by law enforcement personnel, Hate violence ,Public humiliation And mainly marginalization and exclusion. Transgender people are not always accepted in every society. They can suffer discrimination, violence, and even marginalized. Transgender people have fought for and have gained many rights and protections in some societies. In many places the fought for transgender rights is associated with the rights fight for homosexual and bisexual rights. Together these groups are sometimes called by the acronym LGBT for lesbian, gay ,bisexual and transgender.

Transgender people who wish to take medicine and heavy surgery to change their bodies and gender they face lot of problems in order to change their bodies they must have doctors who are willing to help them and make changes. They sometimes cannot do this because doctors will not ready to help them in changing their bodies or alteration or surgery. They may also not be able to do this changes their body or surgery or alteration because even if a doctor would treat them, they may not be able to afford the medicine or surgery. For some people of this category of transgender they can afford charges of medicine and or surgery and for many transgender people treatment, medical expenses and surgery cost is not able for them to afford or pay that much of charges so, the Government has to take care for this kind of operation or surgery or any kind of medicines related to the transgender health issues and provide them this kind of treatment at the very negligible cost or free. And one more important thing that the transgender must aware about their health issues and benefits of the facilities given by the Government for transgender related treatments. Transgender people are under go for SRS that is the sexual reassignment surgery because to alter their gender and to feel some how good and this surgery is so costly and this is the duty of the society and the Government to take care of these kind of transgenders and help them in getting them to fit for in one gender they want to alter and become to stay fit in which gender they are more satisfied this is

because the transgender are persons their gender identity is differ from the gender in which they born and through this sexual reassignment surgery the feel comfort and which made him to feel sufficient in one gender and it includes the MTM i.e., male to female or FTM i.e., female to male what ever it may in which they fit. And one more thing that all the transgender will not undergo for SRS it means some of are donot wants to undergo for SRS.

It is often said that there is a strong relationship between the transgender people and HIV and AIDS which can be very much damaging as a group they are sometimes viewed as vectors of HIV, passing the infection to their sexual partners and therefore their partners' patrtners, who often birth assigned women. India do not legally recognise the gender of transgender people, meaning that they often lack official identification, health and as well as welfare entitlements and the right to marry. This can encourage discrimination within health care services, making it hard to access sexual health services<sup>7</sup>. Most often the transgender people do not consult doctors even in case of serious illness, because of the mistreatment they know they will face lot of health services. And as well as there is a lot of lack of medical insurance in India when access to transgender health services when there is need for hormonal therapy and sexual reassignment surgery i.e., (SRS) which is very important for transgender people who must medically want to transform their bodies and to become congruent with their gender identities that is lot of problems they have to face for their gender identity. However, health insurance coverage for these kind of transgender specific health services continues to be commonly excluded by Indian health care insurance.

These blanket exclusions in health insurance polocies present barriers to access to all types of health care. While many transgender people are cannot afford the expensive out of pocket costs of the transgender specific services, coverage denials can extend to even basic health care services. This is because of lack of health insurance and health insurance coverage for transgender specific health service. Access to health care is undoubtedly one of the most critical issues for transgender people, due to the extreme degree of discrimination against transgender people in health care system. Although some individual medical professionals outweighed by the pervasiveness of mistreatment and or denial of the treatment within the health care system as a whole and the medical issues include denial of the medical treatment , inability to obtain or pay for hormone therapy and sex reassignment surgeries. Transgendered people routinely experience discrimination and barriers to obtaining medical services from hospitals, clinics, and private practitioners. Many providers treat transgender people only with the great reluctance, sometimes pointedly harassing them and embrassing them. Many transgendered avoid seeking medical assistance even in the dire circumstances, for the fear of humiliation and or the rejection of and being rediculed by medical practitioners. Transgender people are in particular can have difficult relationship with the medical system because once they are diagnosed as transsexual, insurance companies discriminate against them by excluding them from coverage for necessary treatments and procedures related to their transsexualism, as well as for any complications or conditions that may arise from these treatments and procedures.

## **CONCLUSION**

Transgender people face lot of problems with laws and regulations about sex. They face lot of discrimination and there are marginalized only because of the only on the base of two aspects that is gender expression and another aspect on the base of gender identity. Transgender rights are violated they dont have right to get proper job, education, health care facilities and as well expression etc.,The transgender persons do not fully enjoy their fundamental rights both at the level of the legal guarantees and as well as at the level of everyday life. So here there is a need to take a closer look at their situation and solve their problems. And made to bring them in to the main stream and they should also enjoy their life with the pride and dignity.

## REFERENCES

- [1]. Preeti Sharma, Historical Background and Legal Status of Transgender in Indian Society, 2 (12), *International Journal Of Research In Economics and Social Sciences* ( December, 2012 ) available at [http: // www.euroasiapub.org](http://www.euroasiapub.org) (last visited on August 20, 2018 ).
  - [2]. Ibid.
  - [3]. Dr. Venkatesan Chakrapani, Hijras / Transgender Women in India HIV, Human Rights and Social Exclusion, UNITED NATIONS DEVELOPMENT PROGRAMME ( UNDP ), India (December 2010 ) available at [www. Undp.org/ ./hivaids/](http://www.undp.org/./hivaids/) Lost % 20in %20 translation. ( Last visited on August 25, 2018).
  - [4]. P. Lakshmi and P. Palpandi ,Health Issues Of Transgender In India,A panoramic view.
  - [5]. Nina Kammerer, Theresa Mason, and Margarel Connors, Transgender Health and Social Service needs in the Context of HIV Risk, 6(2) (1999).*International Journal of Transgenderism*.
  - [6]. HIV OR AIDS Programme by World Health Organisation (2007).
  - [7]. Jean Oggins, Engaging Transgender Substance Users in Substance Use Treatment,6(4), *The International Journal of Transgenderism* (2002).
-