The illusion of inclusion

Empty policies and promises for Bangladesh's hijra community



In 2013, Bangladesh granted the hijra community "third gender" status,

which constitutionally embedded

their rights and safety, and started

the process of opening economic

opportunities to them. However,

other than an official gender

recognition, it did little to change the

hijra community's historically tragic

severely underfunded, without any

policy changes, and had no impact on

the social and cultural transformation

needed to incorporate the historically

marginalised hijra community into

Bangladeshi society. In Bangla,

hijras are referred to as jouno o lingo

protibondhi, meaning "a person

with sexual and gender disabilities,"

and this term has further ostracised

the community based on their

perceived sexual, physical, and gender

shortcomings. Although Bangladesh

has made legal changes on paper that

are considered as markers of progress

in a Western context, little has been

done to improve the lives of the

hijra community from a social and

transgender group in the world, and

their fight for equality precedes the

formation and subsequent split of the

South Asian countries they inhabit.

The policing and

criminalising

communities

and alienated

subcontinent,

undercurrents

continue to be

found in South

Asian countries

today, including

But this was not always the case.

Some hijra communities were and

are considered to be members of a

holy caste of people, whose presumed

mythical powers and physical

traits led to their reverence and

indispensability within the Mughal

powers' quest to civilise Indian

society, and their ideas of morality

and traditional gender norms were

in direct conflict with the existence

of the hijra community. They

viewed this group with disgust and

frustration due to their inability to

understand and place them into rigid

gender categories, causing them to

implement rulings that led to the

community's rapid marginalisation.

This is not to claim the group did

not previously face discrimination or

violence, but that British colonial rule

hastened and exacerbated the socio-

economic, cultural and political

However, the British colonial

Bangladesh.

stigmatised

them across

the Indian

of which

of hijra

The hijra community is the oldest

economic perspective.

The acknowledgement came

and exploited dire reality.

based in New York, is interested in how religion and

SARA RASHID

conveniently erasing other members evident. of the hijra community and the rituals, disciple-guru relationship and social processes that predate the rich history of the group, and the intricate ways in which they architected the social fabric of South Asia. Not only are they relegated to the margins of society, but the policies aimed at improving these

birthright. The intolerance starts at public derision, and the absence of harassment and extortion of the hijra home, and stems from the family's need to preserve deep-rooted ideas of patriarchy and gender and sexual norms. The hijra community's effeminate mannerisms and crossdressing are considered to bring success rate in achieving healthcare

include harassment from hospital with corruption, Section 377 provides In Bangladesh, discrimination authority, inability to disclose the country's law enforcement with and social exclusion are a hijra's conditions like STDs for fear of abuse, medical infrastructure for the third community. The homophobic legacy gender. Additionally, although 80 percent of the hijra community paralyse marginalised groups, and sought assistance from government healthcare facilities, the overall

PHOTO: SHAFIQUL ISLAM KAJOL

services was less than 50 percent.

Regardless of gender identification,

there have been no changes in the

provision of healthcare services for

Due to their lack of access to

the formal workforce, the group

often earn their livelihoods through

377 of the Penal Code makes

homosexuality, and possibly gender

nonconformity, illegal. And law

enforcement agencies are given the

liberty to arrest those suspected of

is considered to be an offense of this

However, Section

the hijra community.

Bangladesh.

easy opportunities to perpetuate the of British colonialism continues to despite numerous opportunities to repeal the laws, the Bangladeshi government refuses to break away from its inherited shackles to provide equal protection and rights to all its

In addition to the socio-economic and casteist rhetoric surrounding the public marginalisation of the hijra community, a discourse on disability based on their putative genital status has emerged since their legal recognition as third sex and continues to perpetuate their discrimination. Labelling the hijra community as genetically disabled is baseless and confusing for the state and wider public. The hijra community themselves question being labelled as disabled, when they do not suffer from any physical, mental or sexual impediments. The government's decision to retain the term is unclear and ambiguous, as it is rhetoric around disability that has led to the group's marginalisation. Legal and state negligence toward the hijra community and a lack of motivation to bring grassroots change for the group is evident in policy implementation.

The hijra community are a systemically and constitutionally persecuted group, and the consistent attacks on them have prevented them from enjoying basic human rights. The intricacy with which these social structures are entangled require a comprehensive approach to solving the issue and a desultory legal recognition without social inclusion tools, autonomy and security, and a rights-based approach will continue to jeopardise the lives and safety of hijra people. However, this cannot be achieved without departing from the government's tokenistic approach toward them. As of now, neither the legal recognition nor the cultural understanding of the "other" has led to a communal acceptance of prostitution, which is legal in the group. In contrast, the hijra is perceived to be in a ridiculed state of liminality and are reduced only to their genital deficiencies. Ultimately, despite the intentions behind these policy changes, what has come to the forefront through the ostracisation committing a "cognisable offense." and consistent conflation of this There are no set parameters for what group is Bangladesh's desperate and sycophantic attempt at gaining the nature, and an inordinate amount attention of "modern" and "liberal of power is placed in the hands of hegemonies and being deemed as the law enforcement, who can make an upholder of neocolonial markers arrests based on subjective legal of progress as a means to achieve interpretations. For a system rampant political clout.



Members of the hijra community in Dhaka during a World AIDS day programme.

them; however, shortcomings of the lives fail to acknowledge the existence worsened their circumstances. The complexities surrounding the rights and recognition of the hijra community in Bangladesh highlight a tragic paradox as they navigate a socio-cultural and religious landscape that struggles to accommodate their existence beyond the traditional binary structures of

Bangladesh's hijra community is complex, unique and replete with specific cultural and social features that make it difficult to translate and categorise the group's to choose their preferred gender identity into a monolithic marker of orientation and coercing them into gender or sexuality. The term "hijra" includes members of the intersex violates their individual authority, but community, castrated men as well as diametrically opposes Bangladesh's transgender women, among others. goal of bestowing more rights on the

policy were manifold and further and needs of crucial members of this group, making these political strategies ineffective, performative and superficial.

Often, hijra are assigned "male" at birth, but may identify as female later in life and prefer to be recognised as hijra or third gender, as many consider themselves to transcend the traditional rigid and binary confines upheld within society. However, this preference is based on choice, and a mandated government policy strips them of a right to choose. Depriving the hijra community of their ability identifying as third gender not only In Bangladeshi society, the term hijra hijra community. For a country that

maigya polas (effeminate boy), and sexually exploited by their teachers who accuse them of violating school principles and social decorum.

Bangladesh has displayed its incompetence and impassivity by doing exactly that and a prime example of the country's inadequate and vapid policies lies in the first school it opened in 2020 for the transgender community. The aim was to provide education and eventual employment opportunities to release the group from a life of sex work, dancing, singing, or begging. However, the curriculum included only religious teachings and vocational subjects. The decision to not include subjects like Bangla, Mathematics, English, and Science only sets up the hijra community for

In the last few years, Bangladesh has opened a handful of Islamic curriculum schools catering solely to the hijra community. However, does a separate school for this community truly work toward integrating them into larger society or does it further disparage and relegate them to the margins? Does the existence of a separate institution for hijra not label them as incapable and unworthy of mingling with larger society? A structurally inbred segregation inadvertently reinforces existing social biases and exacerbates the prejudices against the hijra community by alienating them from the mainstream education system. To effectively create space and equal opportunities for this community, the government needs to firmly enact anti-discrimination policies, build an inclusive curriculum and educate the masses to ensure the inclusion of hijra in mainstream institutions, and provide legal consequences for discrimination against the group.

education and economic spaces inevitably bleed out to all extremities of the hijra community's existence, including their access to healthcare. Data shows that the community experiences extreme discrimination within the medical space, and

and schools. It is naive and negligent to assume the complex barriers that have precluded the hijra community from gaining access to education, a family structure, basic needs, and equal employment opportunities can be addressed by the simplistic recognition of the third gender, without any additional work to address the bone deep prejudices extant in society. Family members prefer to completely sever ties with their hijra relatives, and this inevitable displacement makes them even more vulnerable and susceptible to violence faces a similar predicament in school, where they are physically bullied and verbally abused, called

shame to a traditional Bangladeshi

family, and often become the reason

they are banished from their homes

Discrimination across impediments to accessing healthcare

Hijra entertainers in British India, circa 1865. PHOTO: WIKIMEDIA COMMONS

decline of the community. The policing and criminalising not only is it used for members of the of hijra communities stigmatised intersex or transgender community.it and alienated them across the is a rebuke, used to call out effeminate Indian subcontinent, undercurrents characteristics, shame a lack of toxic of which continue to be found but expected machismo in men, and in South Asian countries today, curb a non-conformity to traditional including Bangladesh. In the last sexual and gender roles. Till date, the decade, Bangladesh's remarkable word hijra is interchangeable to a and unexpected economic success gaali, an insult and a curse. has outpaced all its peers. As the Colonial powers have stripped it so extensively of its depth and world watches, Bangladesh's pressure

to perform continues to increase. nuance, that today the community This pressure has often led to the not only continues to be incorrectly implementation of ineffective, identified, but also has become a hasty and incomplete policies, homogenous marker of how an designed mainly to appease and individual should not operate in cater to Western ideas of growth and society. The word hijra is treated advancement. as a contagion, one that is almost Bangladesh's recognition of the impossible to recover from, and this hijra community as "third gender" is fear has been used to administer one such performative policy. Since the population's behaviour and its implementation in 2013, the restrict freedom of expression. This hijra community has been strongly fear of social and moral corruption persuaded, and often compelled, to has consequently distanced people identify as third gender in all official from the community, and in turn documents for data collection. led to a conflation of the term hijra. From the perspective of the hijra This ostracisation and ignorance is community, this push for selfbred by the government as well, who identification came with a hope to have identified the community as reap supposed benefits tailored to only members of the intersex group,

is used generously and with abandon; is not able to ensure the safety of its citizens and has a history of violence against the hijra community, the motivation behind enforcing a third gender ultimately becomes more symbolic and performative than substantive.

> On the other hand, members of the hijra community who volunteer to self-identify as third gender face several difficulties as even after 10 years of implementing the policy, most government forms lack a third gender option. In 2016, the Election Commission updated their voter list to include 50,320,362 men and 49,578,191 women; however, no information was provided on the number of hijra or third gender voters who had been registered on the updated list. Thus, the hijra were effectively barred from registering under the third gender status and were excluded from participating in the election process under their chosen gender identity. In these instances, the failure of the government and their lacklustre attempts at implementing these policies to improve the lives of the hijra community become glaringly

BY THOMAS JOSEPH 38 Squeal of delight **16** Attack command **39** Detest 41 Dark fur

47 Did some tailoring

48 Use the rink

CROSSWORD

ACROSS 1 Restaurant unit 6 Kind of point or length 11 Got to oneÕs feet

12 Chilled

13 In the middle of **14** Fashionably dated 15 Comfort **17** Japanese currency

18 Magnificent **22** Nick CharlesÕs wife

23 Swindlers **27** Plumbing problems

29 Mrs. Eisenhower **30** Frolicking

32 CairoÕs river 33 Illinois city

35 Flying mammal

DOWN 1 Airport screening org. 2 Cash dispenser **3** Scary shout

4 Lindbergh nickname **5** Painter Degas **6** UlnaÕs place

7 Start of a count 8 Metropolis **9** Lot unit

10 Writer Uris

18 Machu Picchu native **19** Shed feathers 45 Angry look 20 Item used onstage **46** Mistake **21** Usury expert

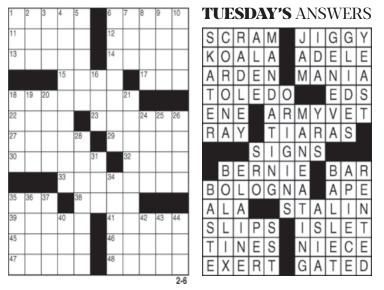
24 Leave out 25 Metric amount, for short

26 Spotted **28** Relished 31 BasketballÕs Ming

34 Snoots 35 Sacks

36 Skilled 37 Turn to slush

40 Galena, for one **42** Lingerie item **43** Whole bunch 44 Before, to bards



Write for us. Send us your opinion pieces to dsopinion@gmail.com