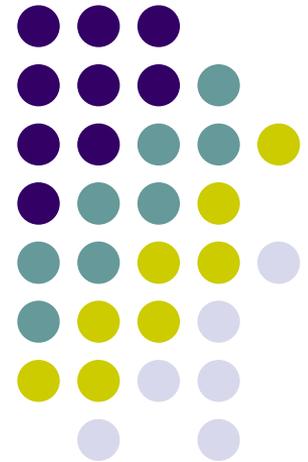


Understanding the Issue of Human Trafficking in the Context of *Hijra* and *Kothi* Community in India



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Mumbai
22-23rd December ,2008



The Concept

- **The United Nations Protocol on Trafficking, defines ‘Human trafficking’ as:**

“The recruitment, transportation, transfer, harboring or receipt of persons, by means of a threat or use of force or other forms of coercion, of abduction, of fraud, of deception of the abuse of power or of a position of vulnerability, or of giving or receiving payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. The exploitation shall include, at a minimum, the exploitation of prostitution of others or other form of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”



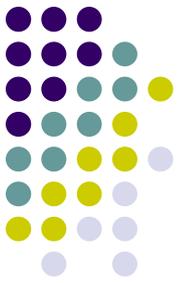
Human Trafficking- An Holistic View



United Nation recent efforts to curb human trafficking emphasize to give more focus on

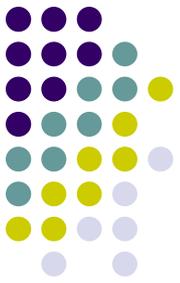
- What constitutes vulnerability to trafficking as a prerequisite for the development of valid prevention programmes.
- Prevention measures should address the real problems of vulnerable populations according to their own needs, in their own context.
- To prevent human trafficking, it should include preventing a crime and reduce the conditions that make an individual vulnerable to trafficking.

Human Trafficking in The Context of Hijra and Kothi community in India



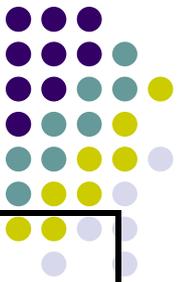
- Despite the fact that India has a 4000-year long tradition of ‘third gender’ and eunuch culture’.
- Borne the brunt of social, political and legal prejudices that have criminalized their alternate sexuality.
- Society is aware of the existence of people with different sexual identity but they have consciously ignored the concerns
- Their gender status and sexual behavior are conveniently categorized as deviant from the norms of the general society.

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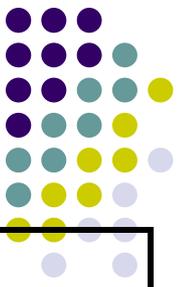
- Huge paucity of secondary information regarding Hijra and Kothi-
- The information available are mostly sensational rather than informative
- Current information gathered from three main sources –Delhi based study(1983) Chennai based study (1999) and Hyderabad Based study (2007).

Who these people are?



Indian Terminology	Hijra/Ali/Kothi/Aravani /Aqwa Kothi/Nirvan Kothi	Zenana/Chatla Kothi
Western Terminology	Transgender/Transsexual/ also referred in English as Eunuch	Transvestite, Cross dressers, drag queens
Disclosing their identity	They do not have problem to disclose their hijra identity to the public.	They have problem in disclosing their identity in public.

Characteristics: Physical stature by birth



The Hijras :

A) Most of them are born as biological male with properly developed sex organs. They strongly reject their masculine stature and feel themselves as female as they grow up. They experience gender identity crisis. Strong inclination to change their sex

(largest segment of hijra community)

B) Few of them are born with ambiguous sexual characteristics (Hermaphrodites) a person born with a mix of male or female reproductive organs.

C) Pseudo Hermaphrodites-individuals with external appearance (secondary sex characteristics) of one sex but have chromosomal constitution and reproductive organs of the opposite sex.

The Kothis:

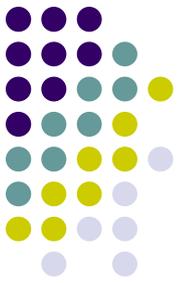
They are born as normal or impotent males. Though most of their gestures and mannerism are feminine, they do not experience gender identity crisis. Masculine as well as feminine gender identity. No inclination to change their sex.

Childhood and Early Development



- Feeling, behavior and actions were predominantly feminine in nature since their childhood. Progress as they grow up and experience identity crisis.
- *“My voice and behaviour is like a woman (na pravarthana antha adadhanilaga untundhi). I am like this since my childhood” (27 yrs old Kothi Hyderabad)*
- *“I was born normal male but my walking, talking gestures and mannerism were all of female. I always felt that I am girl-something within me said I am a female”. (35 yrs old, Hijra, Delhi)*

Experience of Sexual Abuse during Childhood



- Kothis and *Hijras* have suffered sexual abuse in their childhood.
- Their feminine urge has rendered them as targets of sexual abuse by the members of their immediate families, neighbours, teachers and employers.
- This experience creates a deep scar, depression and feeling of guilt in their mind. They are not in a position to disclose this horrible experience what they underwent even to their close family members.

Disowned by Natal Family



- In case of Kothi's, who does not disclose their identity to public and those who are able to manage dual identity i.e. behaves masculine as well as feminine according to situations have managed to remain with the family.
- In the case of *Hijras* and Kothis who were more feminized in their feelings and mannerism, not able to stay with their natal families and they leave them at a very young age.

Reasons for leaving the family



- Developed a fear of spoiling their family status and reputation
- Worried that their family members might feel bad if they come to know about their condition.
- Many left because they were ridiculed, punished and neglected by their parents, siblings and relatives.

Facing Social Prejudice



- The *Hijras and Kothis* not only face ridiculed from their close family members they bear strong despise and looked down by the society.

*“My neighbours call me by different insulting names like ‘Kojja gadu’, ‘0,5 gadu’, ‘chakkagadu’. Some people would pass comments on back while some others do that openly on my face”
21 yrs old Kothi, Sangareddy)*

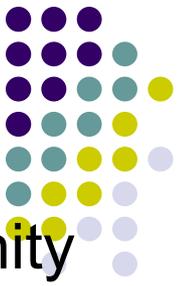
“When we walk along the road people say so many things; ‘look at the item,(maalu yalaundi chudra) the item is going there’. ‘Item’ is a derogatory term for us. The Police also abuse us and call us ‘badakhao’, ‘sulliga’... ‘maddaga’.... ‘let you be fucked’.... and things like that.

Induction to *Hijra* Community



- When they are subjected to humiliation and discrimination by the society, they naturally look for people or group where they are accepted and feel belonged.
- In the process they identify and get identified by *Hijra* and *Kothi*'s who have similar problems.
- When the parents come to know the ambiguous sexuality of the child they willingly send them to become part of *Hijra* community.
- Many of them join on their own considering no place for them in the normal society, some identified by *Hijras* and some others felt they were trapped.

Getting adopted by the *Hijra* and Kothi community



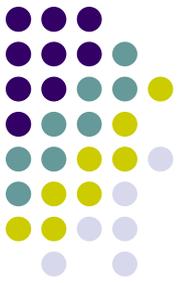
- Those who become part of the *Hijra* or Kothi Community under go a small ritual that has been traditionally practiced in the community.
- This ritual is carried out by *Guru* in the presence of *Nayak* , the senior most person in the community.
- *“A large number of guests are invited and in their presence the mother –to-be holds the adopted daughter to her bosom pretending to nurse her as a mother who nurse a new born baby. In the simpler version of the ceremony, the mother and daughter sip milk from the same glass. After the ceremony the mother presents clothes, jewelry, household articles to the adopted daughter”*(*Hijra from Delhi*)

The Guru-Chela system



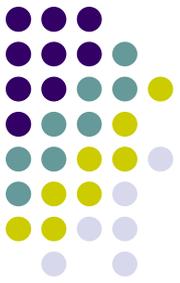
- The person who is adopted by a particular *Guru* remains as a daughter/*chela* of that person in her life time.
- The *Guru* wields enormous power and they can do very little without *Guru's* permission. A guru can sell any of her *Chela* to another *Guru*. The *Guru* is a mother figure of the family.
- The *Chelas* who live with the *Guru* has to pay part of their income to their guru. This is presumably is a payment for the expenditure incurred by the *guru* at the time of the initiation of the individual to the community

Contd..



- The *guru* is expected to protect the Chela during the periods of difficulty including the sickness and disability.
- Guru act as a head of the *Panchayat*. No external agencies are involved to resolve their disputes. The rules and regulations are categorical about the punishment levels and levels of violations in the *Hijra* community.
- Major offences invoke a fine of Rs.5000. The bigger offences are punished with expulsion from the house and rejection by other *Hijras* as well.

Process of becoming a complete *Hijra* (Nirvan Kothi).

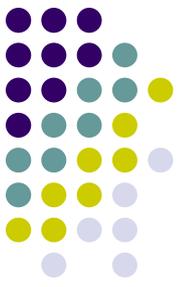


- A large majority of those who constitute the *Hijra* community are those who are born male but were castrated as part of induction to the community.
- only those who undergo castration are wholly accepted and share high regard among their members. They are called as pure *Nirvan Kothis* or *Koyin Murath*.
- Also a sense of feeling and belief among the community prevails that 'emasculatation is the only way to attain full-scale women hood'.
- In case of *Kothi's*, there is no natural desire to undergo emasculatation; they have strong aversion towards castration. However, they have links with the *Hijra* community through '*Rithi*' relationship.

An account of Hijra who underwent emasculation



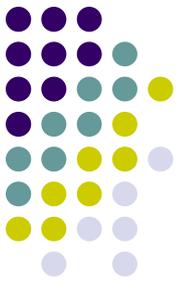
*“The castration ceremony takes place around 4.a.m on a day before the new moon. **The person who undergoes castration is undressed and washed with yellow turmeric paste and given some food. The penis, scrotum and testicle are coated with paste made of neem leaves. The Thayamma tightly ties a string around the organ and cuts it off in a single, swift stroke. To stop the bleeding a neem twig is inserted in the centre of the organ. A neem twig is inserted to keep the urethra open to enable urination. The person who underwent castration is usually given pepper or slapped in the face and kept awake.....(contd)***



Text continued...

The first spell of urine along with blood is held to be the first menses. It takes about 40 days to heal. This necessitates sprinkling of hot oil and hot water on the severed portion, the person is not allowed to meet anyone and allowed to consume only traditional diet. On the 40th day the guru invites the other members of Hijras and neighbours with vermilion powder and declares her daughter has become 'nirvan' which implies attainment of salvation or puberty. On the this the nirvana Kothi is dressed up like a traditional Indian bride with bangles, anklets, bracelets, earrings, nose ring and a mangal sutra is also given.. The person is also given gold jewelry, vessels, sarees resembling the streedhan given in marriages”(44 yrs old Hijra, Chennai).

Some Concerns



- **Having run away from homes on their own or due to rejection by the family members completely dependent on the Hijra community for survival, support and security**
- **To become fully part of the community one has to follow the standard rules and regulations that have been the norms of Hijra community. They are not in a position to make their independent decisions.**
- **The castration takes place at an early age before the person becomes an adult. When they are young they cannot make clear judgment and unlikely to realize the future consequences.**
- **View this situation from the back ground of lack/denial of medical help-hence resort to crude traditional methods.**

Take up Traditional Occupations for Livelihood.



- In the olden days the Hijras enjoyed important positions in the royal courts. In the present society those who ever disclose their transgender identity do not enjoy such privileges.
- The traditional occupations practiced by the community are singing, dancing known as *Badhai* which means felicitation. They also go for begging and sex work. Some work as pimps , run brothels etc. (Situation in North India vs South...give comparison)
- Those who are educated and have support from family; recognized by the society for their talent and skills have explored better livelihood options in their life.

Emerging efforts



- Establishing community based organizations to mobilize their members at national level to assert their rights
- Sangama in Bangalore, Saathi in Hyderabad, Naz foundation Delhi, THAA in Tamil Nadu has been staunchly working for the rights issue of the sexual minority communities.

Civil society taken active interest



- The People 's Union for Civil Liberties (PUCL) of Karnataka has conducted a fact finding report about Human rights violations against the sexual minorities in 2001.
- On December 17, 2007, the Tamil Nadu AIDS Solidarity Action (TASA) which is a network of 18 NGO's and the State Commission for Women (SCW) organized a public hearing where the members of the transgender community spoke of human right violations and the other atrocities they faced.

Tamil Nadu has set a trend

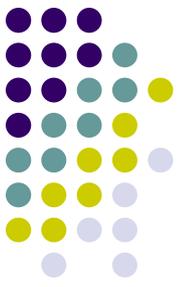


- Tamil Nadu state has accorded official recognition for the community with the issue of ration cards with a separate ‘third gender’ category. This is without doubt, a major step forward in the demand for citizenship rights, as only two sexes-male and female are recognized in Indian civil law.
- Further government orders have been issued announcing unfettered access to education and counseling services. More recently the state’s Social welfare board department had announced constitution of a separate welfare board for Transgenders.

Recommendations

- Any measures to deal with trafficking issue should try to understand from the point of 'Human suffering' from the context of sexual and gender identity crises and ensure dignity and selfhood of *Kothis* and *Hijras*.
- There should be a greater change in the attitude of the people which would crucially hinge upon overturning the existing regime of both gender and sexuality that enforces its own hierarchies, (e.g. heterosexuality over homosexuality), exclusions (e.g. *Hijras* as the excluded category) and oppressions they face.
- Tamil Nadu has taken progressive steps in setting up a Welfare board for this community. All the other states also can think along the same lines. This will be a massive preventive measure to be vulnerable for trafficking as well as practice trafficking



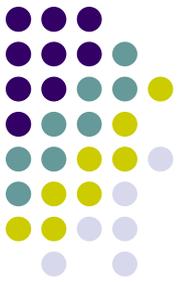


Occupation.....

- The society should acknowledge their skills and potentials to give them better opportunities in job. Those *Hijras* and *Kothis* are not educated, the government and non government institutions or support the CBO to train them for better skills and they can chose alternate vocation for their livelihood.

Medical establishment

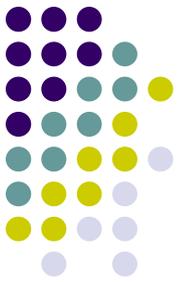
- Professional medical, surgical and psychological assistance has to be created to identify those with uncertain gender and sexual identity.
- For those *Hijras* who desire for surgical intervention, it should be done by competent medical professionals.



Medical...

- This should be with consent of concerned person and with the consent of the parents in case the person is minor. This would help to prevent crude practice of castration carried out by *Hijra* community.
- The Medical council of India should issue guidelines to ensure that discrimination in medical treatment of sexual minorities, which would include refusal to treat on the basis of his/her sexual orientation, should be treated as professional misconduct.

Legal Measures



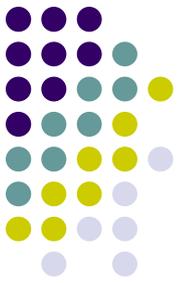
- Every person must have the right to decide their gender identity, including *Hijras and Kothis* and other sexual minorities.
- Comprehensive civil rights legislation should be enacted to offer sexuality minorities the same protection and rights now guaranteed to others on the basis of sex, caste, creed and color. The constitution should be amended to include sexual orientation as a ground of non-discrimination.

Legal..



- Section 377 of the Indian Penal Code (IPC), criminalizes “unnatural sex”. This colonial legislation is seen as an outdated law that infringes on the right of adults to engage in consensual sex, heterosexual or otherwise. Section 377 of the IPC and other discriminatory legislations that single out same-sexual acts between consenting adults should be repealed.
- Gross abuses and violations experienced by the *Hijras* and *Kothis* should be immediately investigated and action should be taken against those who found guilty.
- The Legal and Police authorities should be sensitized to breakdown their prejudices against *Kothis* , *Hijras* and other sexual minorities .They should behave courteous and humane as they show towards the general public.

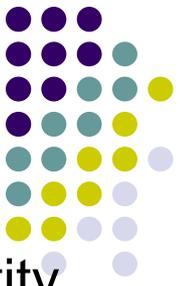
Measures that can be taken by the Rights Group /CBO of *Hijras* and *Kothis*



- Many rights group have emerged in recent years for the sexual minority. Acknowledging their rights and demands in one way can give visibility. Educate them for anti-trafficking and monitor any such practice happens within their community to take preventive action.
- The *Hijra* and *Kothi* community has lost trust and build aversion to the prejudice they have been facing in the society have resulted in appropriate and aggressive behavior. The community also requires education to change their way of life and attitude towards society. The Rights group who work sexual minorities should take measures to educate the community members in this direction.

Conclusion

- The *Hijras* and *Kothis* remain vulnerable to human trafficking right from their childhood due to their gender and sexual identity.
- When they move out from their natal family they are at risk of being abducted and to be exploited.
- Fear and vulnerability of not getting excluded at least by the members who experience similar problems may compel them to abide by the rigid community norms.
- They are denied of meaningful employment opportunities in the society and they are forced to do sex work or begging to sustain their livelihood. Sexwork pose them for dangerous illness like HIV /AIDS

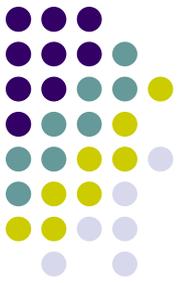


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- Most of the *Hijra* also lose ties with their former lives and families. They are integrated within normal society too.
- In the case of *Kothi's* they cope up the crises with out revealing their sexual identity, but remain vulnerable as they become dependent on sex work for their survival. This way they too remain vulnerable to be trafficked for sex work.
- To prevent these kinds of human trafficking, the conditions that make an individual vulnerable to trafficking should be changed.

Battle against terrible cruelty and discrimination and their refusal to give up



- Narthaki Natraj



She is a well recognized classical Barathanatyam dancer. Felicitated by the Govt of Tamil Nadu with a Title "Natya Peroli and Natya kala Rathna. She also holds a Sangeetha Nataka Academy Fellowship for 2003-2005.

THANK YOU