

Challenges for Transgender-inclusive Sanitation in India

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Currently, the sanitation needs of the transgender community are addressed on the assumption that the community is a homogeneous group, and that public toilets earmarked for them address their total sanitation requirements. However, designing transgender-inclusive sanitation requires a deeper examination of the role of caste, gender, and age within the transgender community.

India has made important strides in improving access to toilets for households and communities in the past few decades. There has been an increasing recognition that effective sanitation for all needs to reflect the requirements of not only women and girls, but also, disabled, elderly and transgender persons (FANSA and WSSCC 2016). In recent years, the discrimination and violence faced by transgender persons have slowly been recognised outside of academic circles. However, the inclusiveness of the policies and their implementation remain low, and more needs to be done in terms of research and actual application. There have been incremental increases in the legal recognition of the need to provide transgender persons with legal rights to access public infrastructures, education, housing, etc. The Transgender Persons (Protection of Rights) Bill, 2016, provides visibility to transgender persons and their legal rights. However, it has also been argued that the bill dilutes the rights-based framework (Jos 2017). As an outcome, transgender persons in India currently live under a legal, policy, and social framework where they are recognised, but have not been fully integrated into society. As a consequence of the underlying discrimination against the transgender community, toilets remain as sites of social exclusion and violence in their day-to-day lives.

An India-level study on inclusive sanitation—by the Freshwater Action Network South Asia and the Water Supply and Sanitation Collaborative Council—reports the daily struggles and often difficult coping mechanisms that transgender persons apply to manage their daily sanitation needs. For example, transgender persons are exposed to sexual harassment and violence if they use the men's toilets and are unwelcome in both women and men's toilets as "it is widely believed that they are seeking sex work when they visit the toilets" (FANSA and WSSCC 2016: 26). This leaves them with few options and many of them continue to practice open defecation, or wait to find a safe time to use the toilets.

In states like Tamil Nadu and Mizoram, there are instances of the transgender community's sanitation needs and concerns being recognised and translated into some form of public toilets. However, these exercises have been exceptions and not a commonplace practice. Currently, the transgender community faces dangers of infection, violence, humiliation, and corruption in their daily lives as they manage their sanitation needs. There is a need to also understand the complexities of gender, age, and caste, which further complicate transgender sanitation needs. Moreover, merely technical solutions as a response to the sanitation needs of transgender persons may at best, partially meet their needs, and can have unintended and even harmful consequences to transgender persons.

Moving beyond Gender

As per the 2011 Census, there are 4.88 lakh transgender persons in India and over 55,000 children under the ages of six who are identified as transgender. However, as Sawant (2017) points out, “the data have been primarily linked to the males’ section as they are usually counted as men, but on request, they may be counted as women.” Thus, the census data under-represents the total transgender population in India across all age groups. Such underrepresentation of transgender persons also implies that the numbers and distribution of transgender-friendly toilets will be inadequate. Under the Swachh Bharat Mission (SBA), a total of 1,04,802 toilet seats in community toilets have been built and another 1,29,809 toilet seats are under construction (*Data.gov.in*2018). While the data on how many of these seats are designed for transgender persons are not easily decipherable, a simple internet search of public toilets in India for transgender persons reveals that such toilets continue to be a rare exception. For example, the Government of Manipur along with non-governmental organisations (NGOs) and leaders from the transgender community came together as a part of a larger initiative towards economic and social inclusion of transgender persons into the mainstream society. As a part of the initiative, the Manipur government has introduced separate toilets for transgender persons during various festivals and in some parts of Imphal, a step that was appreciated by the transgender community. However, these toilets have not addressed the issue of their safety and dignity (Pebam 2018).

While increasing the number of transgender-friendly toilets can help transgender persons in their daily lives, they may not meet all their sanitation needs. The transgender community is frequently presented or discussed as a homogeneous community that has more or less uniform needs from the public and community sanitation systems. In reality, transgender communities are heterogeneous along the caste, age, and gender axes; all or some combination of these can determine a transgender person’s access to public sanitation.

The discussion about the transgender community in India centres largely on adult transgender persons. The sanitation needs of young adults and children have had a limited discussion in both policy and academics. A 2018 *Firstpost* article illustrates the challenges young transgender persons face:

I started using the school restroom only after 7th grade. I would either hold it in or make sure that I was the only person in there as it was very embarrassing to use the restrooms assigned to females. (Manral 2018)

Therefore, to design inclusive sanitation, recognition of the sanitation needs of adolescents and minors who identify as transgender is necessary. This requires a rethinking of not only public toilets but also toilets in schools and colleges (Watkins and Moreno 2017; Boyce et al 2018).

Apart from age as a crucial axis on which the design of public sanitation services is based, there is a need to re-examine the role of caste within the transgender community. In 2014, the Supreme Court added transgender persons to the Other Backward Class (OBC) category, giving them a visible homogeneous caste dimension (Goel 2018). An inquiry into the role of caste within the transgender community has been limited or missing in both academia and policy. However, in their daily lives, caste continues to play an important role. Transgender persons from disadvantaged caste communities, for example, may find it more challenging to raise funds or resources as compared to their upper-caste counterparts. The caste hierarchy can also determine who interacts with policymakers and whose interests are represented in sanitation-related decisions (Goel 2018).

Transgender persons encounter everyday transphobia, including while using public toilets. To be identified as a transgender person can be undesirable and even dangerous in public spaces. Mitigating transphobia in daily lives also puts a premium on the ability to “pass”¹ as a person of the gender they identify with (Schilt and Westbrook 2009; Wynn 2018, 2019; Manral 2018). Persons who can

be identified as transgender can face higher risks of violence and harassment when they use public toilets. Moreover, the definition of transgender sanitation requires to expand and include the needs of transgender persons who menstruate, are disabled, or are post-operative. For example, countries in the West such as the United Kingdom now use the term “menstruator” to indicate that other genders and not just women menstruate. In India, menstrual hygiene or even childcare is rarely bought up while designing sanitation solutions for the transgender community—indicating the scope of the knowledge gap between what transgender persons need and what is being offered through the sanitation programmes.

The Way Forward

While important strides are being made in the right direction, there is a need to recognise that “adding” transgender to sanitation may lead to a similar fate as adding women to sanitation. It is well established that despite the enormous investments in household and community toilets, women and girls continue to bear the burden of poor or missing sanitation facilities. To really achieve sustainable and safe sanitation, there is a need to examine, more deeply, the obvious and the nuanced barriers to safe sanitation for transgender persons. Toilets, either earmarked for transgender persons, or gender-neutral toilets, satisfy some of the basic needs of the transgender community but can leave them exposed to violence and harassment. This violence and harassment experienced by them while using toilets is an extension of the violence they face in other spheres of their everyday lives. Therefore, to have transgender-inclusive sanitation, it is essential to recognise the need for tackling transphobia through policy, law, employment, and social integration. Manipur can serve as an example of how to initiate such dialogues and how sanitation can function as a starting point into these discussions.

The first step is to recognise that this community is not a homogeneous group and there are significant dynamics along the caste, age, and other axes. Technical solutions can only meet their sanitation needs partly. For example, although the central government allowed transgender persons to use the restrooms of their choice (male or female) in public and community toilets, this move may not automatically ensure safety from violence. Transgender persons have reported facing verbal and physical violence while using both, the female and male toilets. Moreover, having a toilet that explicitly broadcasts a transgender person’s identity to others may not be desirable to all transgender persons, as the underlying transphobia can make them vulnerable to violence. All transgender experiences are not the same and, therefore, the design of the public toilets needs to provide enough scope for privacy and anonymity to those who do not wish to single out their identity. Therefore, a one-size-fits-all “toilet for third gender” or sharing toilets with women, will not automatically lead to transgender-inclusive sanitation. The next step is to acknowledge that transgender persons have varying sanitation needs at different stages of their lives, and school- and college-level transgender-inclusive sanitation can be crucial during their formative years. While speaking to children might be challenging, it is possible to speak with adult transgender persons to collect retrospect insights into transgender children’s needs. Finally, there is a need to expand the meaning of sanitation for transgender persons to include menstrual hygiene and reproductive care. In short, transgender-inclusive sanitation requires a deeper understanding of their social, cultural, biological needs through various life stages.

Note

1 Although countering or surviving transphobia is not the only driver of “passing,” in a transphobic society like India, passing may afford transgender persons some measure of protection while using toilets.

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