



Transgender Rights are Human Rights: A Study

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Abstract: This research paper explores the legal, social, and institutional dimensions of transgender rights within the broader framework of human rights, with a particular focus on India. It begins by examining the conceptual understanding of gender identity, emphasizing that gender is not merely biological but a deeply personal and social identity. It then analyzes how international human rights instruments, such as the Universal Declaration of Human Rights and the Yogyakarta Principles, have laid the foundation for recognizing transgender rights globally.

The paper delves into India's legal evolution, highlighting landmark judicial pronouncements like the *NALSA v. Union of India* case and subsequent legislative efforts, including the Transgender Persons (Protection of Rights) Act, 2019. Despite these developments, transgender individuals continue to face systemic challenges such as discrimination, violence, lack of healthcare, and economic exclusion. Drawing on national and international studies, the paper outlines the gaps in implementation and offers policy recommendations to ensure meaningful inclusion. These include self-identification rights, anti-discrimination laws, healthcare access, educational reform, and community participation. The paper concludes by asserting that transgender rights are inseparable from human rights and achieving equality requires both structural legal change and societal transformation.

Key Words: Transgender, Discrimination, Human Rights, International, Law.

1. Introduction

Transgender rights have increasingly come to the forefront of global human rights discussions, yet many transgender individuals continue to face systemic discrimination, violence, and social exclusion. While human rights are generally accepted as being universal and inherent to all persons, the transgender community is often denied the full exercise of these rights due to deeply entrenched societal biases and legal hurdles. This paradox challenges the very foundation of the international human rights framework, which asserts the principle of equality and non-discrimination as fundamental tenets.

In simple terms, transgender persons are those whose gender identity or expression differs from the sex assigned to them at birth.[1] Their experiences are shaped by a persistent struggle for recognition, dignity, and equal treatment. In many countries, transgender individuals are denied legal recognition of their gender identity, subjected to violence, and systematically excluded from social services, healthcare, employment, and education.[2] These violations not only undermine their well-being and autonomy but also contravene

established human rights norms under instruments like the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).

Article 1 of the UDHR proclaims that “all human beings are born free and equal in dignity and rights.”[3] The inclusion of transgender individuals under this umbrella of protection is not only consistent with the text of the UDHR but necessary to realize its spirit. However, traditional legal systems have often failed to accommodate the needs and rights of individuals whose identities do not fit within binary gender categories. Transgender persons, particularly in South Asia, have been historically marginalized, with colonial laws and conservative social norms contributing to their exclusion and invisibility.[4]

In India, the 2014 Supreme Court judgment in *National Legal Services Authority v. Union of India (NALSA)* marked a judicial recognition of the identity and rights of transgender persons.[5] The court acknowledged that gender identity is integral to one’s personality and that denial of this recognition is a denial of basic constitutional rights. This decision affirmed the right of every individual to self-identify their gender, paving the way for further legal and policy reforms.[6] Nevertheless, the struggle is far from over. Despite legal advancements, transgender persons continue to face societal prejudice, institutional neglect, and structural inequality.

2. Need of the Study

The importance of this study lies in its objective: to bridge the gap between legal recognition and lived reality. It interrogates whether the rights guaranteed on paper translate into tangible protections for transgender individuals. Moreover, the paper advocates for an understanding of transgender rights not as “special rights” but as integral to the broader human rights discourse. In doing so, it echoes the global call for inclusivity, dignity, and justice for all, irrespective of gender identity.

3. Research Methodology

A successful research depends on the methodology. For making the study more fruitful the research work undertaken in the present study is a doctrinal research. Literature in connection with the present problem is reviewed from various sources. For doctrinal study, data will be collected from various primary and secondary sources. The primary source includes judicial decisions, orders of executive, Statutes passed by Legislatures, Rules and Regulations of various administrative agencies. The secondary source material is in the nature of books, law journals, periodicals, reports, articles, research papers, newspapers and websites.

4. Understanding Gender Identity

Understanding transgender rights as human rights requires a foundational grasp of what gender identity means and how it differs from related concepts such as sex, gender expression, and sexual orientation. In this framework, gender identity is the core around which many human rights discussions regarding transgender individuals revolve. It is both an internal and deeply personal experience, often misunderstood or conflated with physical attributes or sexual preferences.

Gender identity refers to a person’s deeply held internal sense of being male, female, a blend of both, neither, or another gender altogether.[7] It is a psychological and social identity that may not correspond to the sex assigned to the person at birth. This distinction is critical. Sex is typically assigned at birth based on external anatomy and chromosomes—categorized as male or female—whereas gender is a socially constructed role or behavior associated with being masculine or feminine.[8] In contrast, individuals whose gender identity does not align with their assigned sex are referred to as transgender.

Historically, Western and non-Western societies have had varying understandings of gender that go beyond the binary male/female categorization. For example, in South Asia, the Hijra community has existed for centuries and is recognized as a distinct third

gender with cultural and social significance.[9] Indigenous cultures such as the Two-Spirit people among Native Americans also represent gender diversity that is non-binary and predates colonial gender norms.[10] These examples demonstrate that the rigid binary framework of gender is a relatively recent imposition rooted in colonial and patriarchal legal systems.

The recognition of gender identity is essential for the realization of human dignity and autonomy. The Yogyakarta Principles—a set of international legal principles relating to sexual orientation and gender identity—affirm that each person's self-defined gender identity is integral to their personality and should be respected and legally recognized without coercion.[11] These principles call upon states to affirm the right of all individuals to define their own gender identity and to be free from discrimination based on that identity.

From a psychological perspective, failing to affirm an individual's gender identity can have significant mental health consequences. The American Psychological Association has emphasized that societal rejection and systemic discrimination contribute to disproportionately high rates of depression, anxiety, suicide, and substance abuse among transgender people.[12] Gender dysphoria—a condition recognized by the Diagnostic and Statistical Manual of Mental Disorders—describes the psychological distress that results from a mismatch between assigned sex and gender identity.[13] However, it is crucial to note that being transgender is not a mental illness; rather, the stress and discrimination associated with being transgender in a non-affirming society lead to health disparities.

Legal systems that fail to recognize gender identity effectively violate basic human rights. The right to legal recognition of one's gender identity is tied to several international human rights standards, including the right to privacy, the right to freedom of expression, and the right to recognition before the law.[14] For example, denying a transgender person the ability to change their name or gender marker on official documents exposes them to systemic discrimination and hinders their access to healthcare, education, and employment.

In India, the National Legal Services Authority v. Union of India judgment of 2014 was groundbreaking because it legally recognized gender identity as a protected category under the Constitution. The Supreme Court stated unequivocally that “gender identity is integral to the dignity of an individual and is at the core of personal autonomy and self-determination.”[15] The Court also recognized that forcing individuals to undergo medical procedures to prove their gender identity violates their fundamental rights under Articles 14, 15, 19(1)(a), and 21 of the Indian Constitution.[16]

However, despite judicial recognition, societal attitudes and state policies remain regressive in many instances. For example, the Transgender Persons (Protection of Rights) Act, 2019 requires a certificate of identity from a District Magistrate and medical proof for changing gender to male or female, which undermines the principle of self-identification affirmed in NALSA.[17]

To conclude, understanding gender identity as distinct from sex and sexual orientation is critical to framing effective human rights-based policies for transgender persons. True equality and dignity for all individuals require that states move beyond binary legal classifications and embrace the diversity of gender identities. Respecting and affirming a person's self-identified gender is not merely a matter of social courtesy—it is a legal and ethical imperative grounded in human rights law.

5. International Human Rights Framework and Transgender Rights

The foundation of modern human rights law is the assertion that every individual, regardless of identity, is entitled to certain inalienable rights by virtue of being human. However, the historical development of international human rights law has often overlooked or inadequately addressed the unique experiences of transgender persons. The inclusion of transgender individuals within the ambit of international human rights norms is therefore a relatively recent, yet critical, evolution in global legal and policy discourse.

The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948, remains the cornerstone of human rights discourse. Article 1 of the UDHR declares that “all human beings are born free and equal in dignity and rights.”[18] Although the UDHR does not explicitly mention sexual orientation or gender identity, its broad and inclusive language forms the basis for an expansive interpretation that protects the rights of transgender individuals. Articles 2, 3, 5, and 7 further guarantee freedom from discrimination, the right to security of person, freedom from degrading treatment, and equal protection under the law.[19]

In recent decades, a more direct and systematic approach to protecting the rights of sexual and gender minorities, including transgender persons, has emerged. One of the most significant contributions in this regard is the Yogyakarta Principles, formulated in 2006 by a group of international human rights experts. These principles interpret the application of existing international human rights law in relation to sexual orientation and gender identity.[20]

Principle 3 of the Yogyakarta Principles affirms “the right to recognition before the law,” requiring states to respect each person's self-defined gender identity. It also calls on governments to ensure that procedures for legal gender recognition are quick, transparent, and accessible, without abusive requirements such as surgery, sterilization, or divorce.[21] The Principles explicitly affirm that discrimination based on gender identity violates the right to equality and non-discrimination as established under international human rights law.

In 2017, a supplementary document known as the Yogyakarta Principles Plus10 was introduced to expand on the original principles and include evolving human rights standards.[22] Yogyakarta Principles Plus10 recognizes new areas such as the right to sanitation, access to employment, and protection from unnecessary medical treatment—issues of particular relevance to the transgender community.

Another significant development was the United Nations Human Rights Council (UNHRC) resolution of 2011, titled Human Rights, Sexual Orientation and Gender Identity, which marked the first time the UN formally acknowledged violations based on sexual orientation and gender identity.[23] It led to a landmark report by the UN High Commissioner for Human Rights in 2011 that documented discriminatory practices and acts of violence against LGBT persons, including transgender individuals, around the world.[24] The report urged countries to repeal laws that criminalize transgender identity and adopt policies to prevent discrimination in education, healthcare, and employment.

Moreover, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) provide broader protections that are directly applicable to transgender individuals. For instance, the right to privacy (Article 17, ICCPR), the right to health (Article 12, ICESCR), and the right to work (Article 6, ICESCR) all hold implications for transgender rights when interpreted inclusively.[25]

UN treaty bodies such as the Human Rights Committee, Committee on Economic, Social and Cultural Rights, and Committee on the Elimination of Discrimination Against Women (CEDAW) have begun issuing General Comments and Concluding Observations addressing the rights of transgender persons. These include recommendations for legal gender recognition without coercive requirements and protection from violence and discrimination.[26]

Despite these international efforts, many countries still fail to comply with their human rights obligations toward transgender individuals. For example, over 70 UN member states criminalize same-sex relations, and in several jurisdictions, transgender persons face arrest or abuse simply for expressing their gender identity.[27] These legal environments not only contradict international obligations but also legitimize social stigma and violence.

International law increasingly recognizes the need to protect and affirm the rights of transgender individuals, but meaningful change requires the political will of national governments and the support of global civil society. Upholding transgender rights is not a matter of new law but of applying existing human rights norms with fairness, empathy, and consistency.

6. Transgender Rights in India: Legal Evolution

The legal journey of transgender rights in India has evolved from invisibility and marginalization to constitutional recognition and limited legal protections. Historically, transgender persons in India often identified under the umbrella of the “Hijra” community or other regional identities such as Aravani, Jogappa, and Shiv-Shakthi were both socially visible and legally excluded. The colonial administration codified Victorian morality into Indian law, particularly through provisions like Section 377 of the Indian Penal Code (IPC), which criminalized “carnal intercourse against the order of nature.”[28] Although not exclusively targeting transgender individuals, this law became a tool of harassment and social exclusion.

The first landmark moment for transgender rights in Indian law came with the Supreme Court’s decision in *National Legal Services Authority v. Union of India* (NALSA case) in 2014.[29] In this watershed ruling, the Court recognized the right of individuals to self-identify as male, female, or third gender, independent of medical or surgical intervention. The Court held that “gender identity is integral to the dignity of an individual and is at the core of personal autonomy and self-determination.”[30] Invoking Articles 14, 15, 16, 19(1)(a), and 21 of the Indian Constitution, the Court extended the right to equality, freedom of expression, and the right to life and personal liberty to transgender persons. Crucially, the Court directed both Central and State governments to treat transgender individuals as socially and educationally backward classes, thereby qualifying them for reservations in education and public employment.[31] It also mandated separate public toilets and legal measures to prevent discrimination and violence. However, the absence of a comprehensive statutory framework meant that implementation remained weak and uneven.

In 2019, the Indian Parliament passed the Transgender Persons (Protection of Rights) Act, replacing earlier drafts. While the Act was promoted as a legal framework for the protection of transgender rights, it attracted widespread criticism from the transgender community and human rights activists.[32] One of the major concerns was that the Act required transgender persons to apply to a District Magistrate for a “Certificate of Identity”, with additional medical verification needed for those who wished to identify as male or female rather than “transgender.”[33] This stood in direct contradiction to the principle of self-identification upheld by the Supreme Court in the NALSA judgment.

Another contentious provision was the relatively lenient punishment for crimes against transgender persons. For instance, sexual abuse against a transgender person was punishable with only 6 months to 2 years of imprisonment, which is significantly lower than punishments for similar crimes against cisgender women under other Indian laws like the IPC.[34] Moreover, the Act failed to adequately address the issues of affirmative action, access to healthcare, education, and employment opportunities for transgender individuals.

Nevertheless, there have been some progressive developments at the state level. For instance, the Tamil Nadu government was one of the first in India to establish a transgender welfare board in 2008, providing identity cards and access to social welfare schemes.[35] Similarly, Kerala implemented a Transgender Policy in 2015, focusing on healthcare, housing, and education rights.[36]

Despite these efforts, the implementation of legal rights remains inconsistent, and stigma continues to pervade institutions. Transgender persons often face barriers in accessing basic entitlements such as Aadhaar cards, ration cards, and voter IDs due to the bureaucratic challenges in legal gender recognition.

In conclusion, India has made significant strides in legally recognizing transgender rights, especially through judicial intervention. However, legislative and policy responses have not fully aligned with the constitutional values of equality and dignity. Bridging this gap requires not only legal reform but also societal sensitization, administrative efficiency, and inclusive policymaking that genuinely reflect the voices of the transgender community.

7. Challenges Faced by Transgender Individuals

Despite increasing legal recognition and policy reforms in several jurisdictions, transgender individuals continue to face systemic and intersectional challenges in nearly every sphere of life. These challenges stem from a combination of social stigma, legal exclusion, economic marginalization, and inadequate institutional support, all of which undermine their dignity and basic human rights.

One of the most pressing challenges is social exclusion and discrimination. Transgender persons are often rejected by their families and communities, leading to social isolation, homelessness, and lack of access to familial support systems.[37] Societal attitudes rooted in rigid gender norms result in widespread stigma, verbal abuse, and violence. According to a study by the National Human Rights Commission of India (NHRC), nearly 92% of transgender persons in India are subjected to social exclusion by family or society at some point in their lives.[38]

Closely linked to social marginalization is economic exclusion. Transgender individuals often face difficulties in securing formal employment due to discrimination and lack of education. A report by the International Labour Organization (ILO) notes that transgender people experience “persistent labour market discrimination,” often forcing them into informal or unsafe employment sectors such as begging or sex work.[39] In India, the NHRC report revealed that about 50% of transgender persons earn a livelihood through such means due to lack of job opportunities and workplace discrimination.[40]

Access to healthcare is another critical area where transgender individuals face systemic barriers. Medical professionals are frequently untrained in transgender-specific health needs, and transgender persons often encounter ridicule or outright denial of services in public health institutions.[41] The World Health Organization (WHO) emphasizes that the lack of gender-affirming healthcare and mental health support leads to disproportionately high rates of depression, anxiety, and suicidal ideation among transgender people.[42] Moreover, gender-affirming procedures if desired are expensive, inconsistently available, and often not covered by insurance schemes.

Legal identity and documentation issues are also significant. Despite legal recognition in countries like India following the NALSA judgment, bureaucratic hurdles in obtaining identity documents such as Aadhaar, PAN, or passport in one’s self-identified gender remain prevalent.[43] These mismatches in documents hinder access to essential services including education, banking, voting rights, and public welfare schemes.

Another alarming concern is violence and abuse, both in public and private spheres. Transgender persons are frequent targets of physical assault, sexual violence, and police harassment. The UN High Commissioner for Human Rights has documented widespread instances of police brutality, arbitrary arrests, and custodial violence against transgender individuals globally.[44] In India, crimes against transgender persons are often underreported and inadequately prosecuted, partly due to weak legal protections and fear of further discrimination.

Lastly, lack of educational opportunities exacerbates all other challenges. Many transgender children face bullying and drop out of school, leading to high illiteracy and poor employability.[45] Without inclusive education policies and sensitized environments, the educational system often becomes another site of marginalization.

In sum, the challenges faced by transgender individuals are deeply interwoven and systemic. Addressing these issues requires a multi-pronged approach that includes legal reforms, societal sensitization, inclusive policies, and strong enforcement mechanisms to ensure that transgender persons can live with dignity, equality, and freedom.

8. Recommendations

The struggle for transgender rights is fundamentally a struggle for equal citizenship, dignity, and access to basic human freedoms. While judicial and legislative frameworks have increasingly acknowledged the rights of transgender individuals in various countries, including India, the real test lies in effective implementation and institutional reform. To ensure substantive equality and inclusion, a multi-layered and intersectional policy approach is required. Below are key recommendations for advancing transgender rights within a human rights framework.

First and foremost, legal gender recognition based on self-identification must be adopted universally. Any requirement of medical or psychological certification for legal gender change violates the principle of bodily autonomy and human dignity.[46] The Yogyakarta Principles and the Supreme Court of India's ruling in NALSA strongly emphasize that gender identity must be recognized based on an individual's self-perception, not invasive procedures or bureaucratic hurdles.[47] Legal processes for changing name and gender on all official documents—such as ID cards, passports, and academic certificates—should be accessible, streamlined, and non-discriminatory.

Secondly, anti-discrimination legislation must explicitly include gender identity as a protected ground. Although some countries have enacted laws to this effect, in many jurisdictions, transgender persons remain vulnerable to denial of services, employment, housing, and healthcare.[48] Laws should provide for civil remedies, penalties, and institutional accountability mechanisms to address discrimination effectively. Additionally, affirmative action policies, such as reservations in education and employment, should be introduced to redress historical and systemic disadvantages faced by transgender individuals.[49]

Healthcare reform is another urgent area. Government and private healthcare institutions must be sensitized and mandated to offer inclusive services, including gender-affirming treatments, mental health care, and reproductive services.[50] National health policies should integrate transgender health needs, and public health insurance schemes should cover procedures such as hormone therapy and gender-affirming surgeries.[51] Training programs for medical professionals must include modules on gender diversity and respectful care.

Educational inclusion is foundational. Schools and colleges should implement anti-bullying policies, provide gender-neutral facilities, and allow transgender students to express their identity freely.[52] The UNESCO guidelines emphasize that inclusive curricula and teacher training are essential in creating safe and welcoming educational environments.[53] Government-run scholarship schemes and hostel accommodations for transgender students can also play a transformative role.

Police and judicial sensitivity training is critical to reduce violence and ensure access to justice. Law enforcement personnel must be educated on transgender rights to prevent custodial violence and harassment. Fast-track courts or dedicated grievance redressal cells can help expedite cases involving hate crimes or discrimination.

Finally, community participation in policymaking must be institutionalized. Transgender persons and collectives should be meaningfully included in advisory boards, welfare departments, and human rights commissions. Policies must reflect the lived realities and demands of the community, not just bureaucratic interpretations of inclusion.

In conclusion, achieving full equality for transgender individuals requires moving beyond symbolic recognition toward structural transformation. Governments must operationalize constitutional and international obligations through holistic, inclusive, and participatory governance frameworks.

9. Conclusion

The affirmation that transgender rights are human rights is not merely a progressive slogan, but a legal and moral imperative rooted in the core values of dignity, equality, and freedom. This study has demonstrated that transgender individuals face a unique intersection of social stigma, legal invisibility, and institutional exclusion, despite growing international recognition of gender diversity. From the evolving conceptual framework of gender identity to the international human rights regime and India's own legal journey from the NALSA judgment to the Transgender Persons (Protection of Rights) Act, 2019—it is clear that legal acknowledgment, though significant, is only the beginning.

Challenges such as discrimination, violence, lack of healthcare, and economic exclusion continue to plague transgender persons across the globe and in India. These barriers not only violate fundamental rights but also perpetuate cycles of marginalization and invisibility. The implementation gap between judicial pronouncements and on-the-ground realities reveals that policy commitments must be matched by concrete actions.

As the study suggests, the way forward lies in embedding self-identification in law, implementing robust anti-discrimination frameworks, ensuring access to education, healthcare, and employment, and empowering transgender voices in policymaking. Structural reforms must be accompanied by widespread societal sensitization to dismantle deeply rooted biases. Ultimately, ensuring transgender rights is not only a legal obligation under constitutional and international human rights law but a test of a society's commitment to inclusivity and justice. Until transgender persons are treated with the same respect and opportunity as all others, the promise of universal human rights remains unfulfilled. The journey toward equity must continue through law, through policy, and most importantly, through collective will.

References

1. American Psychological Association, Guidelines for Psychological Practice with Transgender and Gender Nonconforming People, 70(9) Am. Psychol. 832 (2015).
2. United Nations Development Programme, Living Free and Equal: What States Are Doing to Tackle Violence and Discrimination against Lesbian, Gay, Bisexual, Transgender and Intersex People, UNDP (2016).
3. Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810, art. 1 (1948).
4. Serena Nanda, *Neither Man Nor Woman: The Hijras of India*, Wadsworth Publishing Co., California, 1990.
5. National Legal Services Authority v. Union of India, AIR 2014 SC 1863.
6. Ibid.
7. American Psychological Association, Answers to Your Questions About Transgender People, Gender Identity and Gender Expression, APA (2014), p. 1.
8. World Health Organization, Gender and Genetics, WHO (2011), available at <https://www.who.int/genomics/gender/en/index1.html> (last visited Mar. 10, 2025).
9. Serena Nanda, *Neither Man Nor Woman: The Hijras of India*, Wadsworth Publishing, California, 1990.
10. Will Roscoe, *Changing Ones: Third and Fourth Genders in Native North America*, St. Martin's Press, New York, 1998.
11. International Commission of Jurists, *The Yogyakarta Principles: Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity*, 2007, Principle 3.
12. American Psychological Association, Guidelines for Psychological Practice with Transgender and Gender Nonconforming People, 70(9) Am. Psychol. 832 (2015), p. 834.
13. American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)*, 5th ed., APA Publishing, 2013, p. 451.
14. United Nations Human Rights Council, *Discrimination and Violence Against Individuals Based on Their Sexual Orientation and Gender Identity*, A/HRC/29/23 (2015).
15. National Legal Services Authority v. Union of India, AIR 2014 SC 1863.
16. Ibid
17. The Transgender Persons (Protection of Rights) Act, No. 40 of 2019, ss. 4-7.

18. Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810, art. 1 (1948).
19. *Ibid*, arts. 2–7.
20. International Commission of Jurists and International Service for Human Rights, *The Yogyakarta Principles: Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity*, March 2007.
21. *Ibid*, Principle 3.
22. ARC International et al., *The Yogyakarta Principles Plus 10*, Nov. 2017, available at <https://yogyakartaprinciples.org/principles-en/yp10/> (last visited Mar. 12, 2025).
23. United Nations Human Rights Council, *Human Rights, Sexual Orientation and Gender Identity*, U.N. Doc. A/HRC/RES/17/19 (2011).
24. United Nations High Commissioner for Human Rights, *Discriminatory Laws and Practices and Acts of Violence Against Individuals Based on Their Sexual Orientation and Gender Identity*, U.N. Doc. A/HRC/19/41 (2011).
25. International Covenant on Civil and Political Rights, art. 17; International Covenant on Economic, Social and Cultural Rights, arts. 6 and 12.
26. U.N. Human Rights Committee, *General Comment No. 36*, U.N. Doc. CCPR/C/GC/36 (2018); Committee on Economic, Social and Cultural Rights, *General Comment No. 22*, U.N. Doc. E/C.12/GC/22 (2016).
27. ILGA World, *State-Sponsored Homophobia Report*, 2023 edition, available at <https://ilga.org>. (last visited Mar. 12, 2025).
28. Indian Penal Code, 1860, s. 377 (repealed in part by *Navej Singh Johar v. Union of India*, AIR 2018 SC 4321).
29. *National Legal Services Authority v. Union of India*, AIR 2014 SC 1863.
30. *Ibid*.
31. *Ibid*.
32. *The Transgender Persons (Protection of Rights) Act*, No. 40 of 2019.
33. *Ibid*, ss. 4–7.
34. *Ibid*, s. 18(d); cf. Indian Penal Code, 1860, ss. 354, 376.
35. Government of Tamil Nadu, Order No. 2064/SW/2008, Social Welfare Department (2008).
36. Government of Kerala, *State Policy for Transgenders in Kerala*, Social Justice Department (2015).
37. Human Rights Watch, *"I Want to Live With My Head Held High": Abuses in Bangladesh's Legal Recognition of Hijras*, HRW Report (2016), p. 22.
38. National Human Rights Commission (India), *Study on Human Rights of Transgender as a Third Gender*, 2018, p. 23.
39. International Labour Organization, *Inclusion of LGBTI Persons in the World of Work*, ILO Report (2020), p. 16.
40. NHRC Report, *supra* note 2 at p. 32.
41. Arvind Narrain, *Queer: Despised Sexuality, Law and Social Change*, Yoda Press (2004), p. 87.
42. World Health Organization, *Health of Transgender People*, WHO Policy Brief (2021), available at <https://www.who.int> (last visited Mar. 15, 2025).
43. *Transgender Persons (Protection of Rights) Act*, 2019, ss. 5–7.
44. United Nations High Commissioner for Human Rights, *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*, 2nd ed., UN Doc. HR/PUB/12/06/Rev.1 (2019), p. 38.
45. UNESCO, *Out in the Open: Education Sector Responses to Violence Based on Sexual Orientation and Gender Identity/Expression*, 2016, p. 21.
46. International Commission of Jurists, *The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity*, Principle 3 (2007).
47. *National Legal Services Authority v. Union of India*, AIR 2014 SC 1863.
48. United Nations Development Programme (UNDP), *Transgender Health and Human Rights*, 2013, p. 34.
49. Arvind Narrain, *Queer: Despised Sexuality, Law and Social Change*, Yoda Press (2004), p. 102.
50. World Health Organization, *Health for the World's Adolescents*, WHO Report (2014), available at <https://www.who.int> (last visited Mar. 15, 2025).
51. Ministry of Health and Family Welfare (India), *National Health Policy*, 2017, available at <https://mohfw.gov.in>. (last visited Mar. 15, 2025).
52. Human Rights Watch, *"I'm Scared to Be a Girl": Sexual Violence Against Transgender Girls in Schools*, HRW Report (2021), p. 12.
53. UNESCO, *Out in the Open: Education Sector Responses to Violence Based on Sexual Orientation and Gender Identity/Expression*, 2016, p. 28.