

Rights of Transgender in Islam and Contemporary Practices in Pakistan: An Analytical Study

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Abstract

This study focuses on the problems, issues, challenges, and rights of transgender people in Pakistan. Besides, it investigates the rights of transgender people from Islamic perspective. It is concluded from a thorough review of the literature regarding transgender that there are various terms used for the representation of this community, such as intersex, khunthā, mukhannath, eunuch, cross-dresser, mamsūh, transsexual, transvestite, mutarajjul, khunthā mushkil, khusrā, khwajāh sarā, mūrāt, hijra, chella, zanānah, zankha, and third gender. However, it is revealed from a scientific critical study of these terms that they are not referring to one person. There are lots of social, cultural, legal, and medical differences among them. Furthermore, the aforesaid terms are examined from Islamic perspective and concluded that classical Islamic literature cited the provisions of intersex and discouraged transgenderism, but it does not mean that Islam deprives someone of his/her fundamental rights. Therefore, the study highlighted the rights of transgender people in Islamic law and the Pakistani constitution. It is concluded that both Islamic and national law ensure the fundamental rights to every citizen, however, due to the social and cultural obstacles transgender (intersex) community is not availing their fundamental rights: education, health, shelter, and employment like regular community. The reasons behind deprivation are also discussed such as their exclusion from their families, the inclusion of phony people to this community due to poverty and unemployment, sex business, or other social glitches, lack of awareness regarding the aforementioned community and the lack of law enforcement, etc. The study suggested the solutions to their problems on local, national and international levels by legal inclusion, legal support, launching awareness programs on print, electronic, and social media, facilitating them in the healthcare department, ensuring their education, employment, and shelter. Consequently, it will help in the creation of a more just and equitable society for all, regardless of gender identity. The study followed a qualitative and analytical approach in the analysis of data.

Keywords: Transgender, Intersex, Gender, Identity, Inclusion, Rights, Islamic law, Pakistani constitution.

Introduction

Islam is a complete code of life. This often-used sentence however needs knowledge and wisdom to be fully understood. Islam is for all and has given due rights to all human beings. Every individual has basic fundamental rights. These rights make them responsible and dutiful towards their actions and deeds for forming a peaceful and vice versa. When people fulfil their duties, others ultimately receive their rights alternatively. Rights give power and dignity to move in society. Most importantly it enables people to speak for their rights and challenge the authorities for their poor treatment of subjects carried through unjust societal practices. Islam

guarantees equal social opportunities and equal protection under Islamic law, regardless of gender, race, religion, or other distinctive identifications.

Transgender got historical status in Pakistan, as National Database and Registration Authority (NADRA) had been instructed by the apex court to calculate them separately. They are identified as the third gender and in the 2018 act named as transgender. In Pakistani society, they are mostly called *khusrā*, *hījrā*, *khwājah sarā*, albeit with many pejorative variants for their personal and social identity. Transgenders have long been a vulnerable group in Pakistan¹. Unlike the confined comprehension of a transgender individual concerning biological anomalies, World Health Organization (WHO) defines this state of gender as:

“Transgender is an umbrella term for people whose gender identity and expression do not conform to the norms and expectations traditionally associated with the sex assigned to them at birth; it includes people who are transsexual, transgender, or otherwise considered gender non-conforming. Transgender refers to gender identity and gender expression and has nothing to do with sexual orientation.”²

The government of Pakistan recently passed a transgender protection rights bill for the security of transgender people. The law protects transgender from sexual harassment and distress. This law also allows them to get a driving license and passport. Moreover, the provision of houses for transgender has been made the responsibility of the Government by this law, apart from providing medical and psychological counselling. The definition of transgender people given by this Act is consistent with the WHO definition. As per the Act, a “transgender person” can have any of the following characteristics:

“Intersex, with a mixture of male and female genital features or congenital ambiguities; or eunuch assigned male at birth but undergoes genital excision or castration; or a transgender man, transgender woman, *khwājah sarā* or any person whose gender identity or gender expression differs from the social norms and cultural expectations based on the sex they were assigned at the time of their birth.”³

An organization called GLAAD defines transgender as “a term used to describe people whose gender identity differs from the sex they were assigned at birth.”⁴ However, the changes in their behaviour and identity which become apparent with age lead some of them to adopt through medical, social, and legal procedures to transform themselves by choice to their desired gender to escape the discrepancy between their behaviour and identity. It is done to gain acceptance and equal rights in society.

A lot has changed gradually in the practices toward transgender people in the past few years. Many organizations in Pakistan are working for the betterment of the transgender community by letting them live a better life and equal opportunities for jobs. The country’s Supreme Court also declared transgender people in the 2018 Act as a third gender. Now many families often do not discard their trans-children under societal and familial pressures. Before the Act, they were often forced into begging, dancing, and even prostitution to earn their bread. They have often been denied treatment because doctors could not decide whether to treat them in a male or a female ward. Still, there is a lot to go through to provide them with a better living. One of the great efforts made by the government is the separate schools for transgender people, particularly transwomen. This is due to the education minister *Mr. Murad Rass’s* slogan ‘education is for all’ under which this step of opening the first transgender school was taken. The school was opened in July 2021, in Multan. The school will not only provide basic education but also vocational training and is staffed by transgender teachers. .⁵

1 Redding, Jeffrey A., The Pakistan Transgender Persons (Protection of Rights) Act of 2018 and its Impact on the Law of Gender in Pakistan (November 20, 2019). *Australian Journal of Asian Law*, 2019, 20/1, pp.103-113.

2 WHO, “Creation of the World Health Organization,” The World Health Organization (WHO), 2008, pp. 32-44.

3 Horlacher, S. *Transgender and Intersex: Theoretical, Practical, and Artistic Perspectives*. Palgrave Macmillan, New York. https://doi.org/10.1057/978-1-349-71325-7_1

4 Awais, Sidra. 2021. *Pakistan opens first school for transgender - Educations.pk*. Educations.pk. 6. August, <https://educations.pk/blog/2021/08/06/pakistan-opens-first-school-for-transgender/>. Accessed: 10 August 2021.

5 Akhtar Hussain Balouch, ‘*Teesri Jins*’ (Third Gender), Fiction House, Karachi, Pakistan, 2015.

This research is based on the contemporary trends and practices regarding transgender people in Pakistan and it will identify and analyse the trends to show whether they comply with the *Sharī'ah* or not. Are these laws being in practice in Pakistani society accordingly? Are the people and transgender themselves aware of their responsibilities towards transgenders and transgender aware of their rights.

Literature Review

It is concluded from a thorough literature review in multiple languages that there are many scientific studies related to the subject. Academicians and scholars have done lots of relevant work, however, it is noted that none of those studies discussed the aforesaid subject in detail, following a scientific approach. The following is a glance at some of the relevant studies to the subject matter:

Akhtar Hussain Balouch, his book entitled “*Teesrī Jins’ (Third Gender)*” explores hidden aspects of the transgender community in Pakistan to understand the various aspects of their life, including their norms, values, rituals, language, and traditions. Most pieces of information are based on the interviews of transgender people, particularly their leaders, which shed light on the challenges and problems they face in their daily lives, including their relationships with their families, the result of leaving homes, the replacement of fathers with gurus, performing traditional rituals for income, wedding and dance functions, funerals, sexual violence, and rape culture. Besides, he explained their historical background and status before and after the arrival of the British colonizers.⁶

“*Warrior Princess: A US Navy Seal's Journey to coming out Transgender*,” tells a story of a man who was a successful warrior and a hero for the people of his community, but he was a transgender inside. It is a biography written by *Anne Speckhard and Kristin Beck*. The book is based on a bright example of a battle to free one's soul from the body. Transgender can be productive and successful parts of our society if they have no fear of rejection and dehumanization. She said in her introduction to the book,

*“I do not believe a soul has a gender, but my new path is making my soul complete and happy...I hope my journey sheds some light on the human experience and most importantly helps heal the "socio-religious dogma" of purely binary gender.”*⁷

A Ph.D. thesis of *Faris A Khan* on the topic “*Khwājah Sarā: Culture, Identity Politics and Transgender Activism in Pakistan*”. The central themes of this study are; secrecy, deception, and ambiguity, as well as issues of identity, stigma, and marginalization. It is about *khwājah sarā* identity politics, the *khwājah sarā* universe, and mainstream society. The main perspectives of the study enable a close examination of how *khwājah sarā* claimed inclusion in mainstream society.⁸

Article titled “Definition of transgenders, Islamic laws and suggestion for their rights” co-authored by *Dost Muhammad, Hafiz Salihuddin Haqqani, and Zia ur Rehman*. It is an introductory article to the term transgender, explaining their Islamic status and what laws are set for them by Islamic law. It also discussed some issues regarding their gender and acceptance in society.⁹

“*A review of Sharī'ah about Eunuchs*” an article written by *Badshah Rehman and Syed Maqsood Ur Rehman* talks about eunuch known in our society as *khwājāh sarā, hījrā* and *khusrā's* status and laws given by *sharī'ah*. Does it address the major questions such as who they are? Can they be organized as men or women? What are their rights and duties? This paper deals with issues related to their leadership, testimony, punishment and reward, pilgrimage, blood money, inheritance, funeral rituals, etc.¹⁰

6 Beck, Kristin. *Warrior Princess: A US Navy Seal's Journey to Coming Out Transgender*. (Advances Press, 2013).

7 Khan, Faris A. “Khwaja sira: Culture, identity politics, and” transgender” activism in Pakistan.” PhD diss., *Syracuse University*, 2014.

8 Dost Muhammad, Hafiz Salihuddin Haqqani, and Ziaurrehman. “Definition of transgenders, Islamic laws and suggestion for their rights”. *Islamic Research Journal*: vol 9,2012.

9 Badshah Rehman and Syed Maqsood Ur Rehman. “A review of Sharī'a laws about Eunuchs”. *Al Ezah Journal* vol 31, 2015.

10 Afif, Muh Bahrul. “Islam and Transgender (A Study of hadīth about Transgender)”. *International Journal of Nusantara Islam* 7, 2019. Nr. 2: 185–189.

doi:10.15575/ijni.v7i2.6138.

“*Islam and transgenders: A Study of Hadīth about Transgender People*”, a research article by Muhammad Buhurul Afif. This study is based on *hadīth* as a second authoritative source after *Qur‘ān* to understand and solve this problem of transgender identity and their acceptance in society. So it specifically explains this problem as it can be found in the redaction of the *hadīth* Prophet Muhammad (PBUH). In this regard, the author tried to explain the Islamic view of transgender.¹¹

“*A Trans By Birth: Life of a Transgender Person in Pakistan*” is a research paper by Beenish Zia. Her paper focused on the lack of legislation and attention that make it hard to ensure transgender people get their constitutional rights. The transgender community must be seen as separate persons falling within the term ‘LGBT+’. When awareness increases and spread around the social stigma attached to the transgender community will end, and they will attain progress at a better pace in Pakistan. This will be following *sharī‘ah* and thus will attract support from the masses in Pakistan..¹²

“Transgender Persons Welfare Policy” a report submitted by Punjab social protection authority, Government of Punjab. As in the case of many comparable countries, Transgender people in Pakistan face a range of personal, social, cultural, economic, and psychological issues, often exposing them to a high risk of isolation and social exclusion. These vulnerabilities make them a key group for the attention of Social Protection policymakers in the country. This document aims to identify some of the causal and reinforcement factors that result in the social vulnerabilities of transgender people in Pakistan and stipulates future policy measures to address their condition. The policy especially aims to provide guiding principles and priority areas in implementing various future programs for the welfare and protection of the rights of transgender people.¹³

However, each of the above-mentioned scholars and writers worked hard to ensure that the transgender community was completely acknowledged, with all the same rights as other human beings in society. They have been somehow effective in providing them with legal rights and in raising awareness of their existence in society. But there is still empty space, which should be fulfilled. It would be considered unique progress in the sense that it will normalize the existence of transgender and provide them with genuine identity.

According to Islamic law, any parents who fail to care for such children are violating the law and are found guilty. Misbehaving with transgender is deemed a sin by Islam. A transgender person's family may embrace and treat him well, but society does not recognize him as a human being. This issue will be discussed to promote their genuine identity in society and to make them welcome since they embrace Allah as their Creator, and they are His creatures.

Research Methodology

This study primarily takes the form of an analytical inquiry, drawing upon a balanced synthesis of both primary and secondary sources. The researcher will employ qualitative method using questionnaires as a primary data collection tool, gathering valuable insights through surveys. Subsequently, the acquired data will be subjected to thorough analysis, with a particular focus on its alignment with Islamic principles and the constitution of Pakistan. In addition, this study will also utilize a descriptive method to elucidate the interpretation of Quranic verses and Prophetic hadiths. Moreover, it will incorporate the perspectives and opinions of jurists and Islamic scholars as substantiating evidence within the research framework.

Rights of Transgenders in Islam

Islam is a religion that emphasizes on dignity and equality of all individuals. Islamic teachings do not explicitly address transgender identity, but the principles of justice, compassion, and respect for human rights are applicable to all Muslims, regardless of their gender identity. Islam

11 “*A Trans by Birth: Life of a Transgender Person in Pakistan*,” University College Lahore Human Rights Review, <https://humanrightsreviewpakistan.wordpress.com/a-trans-by-birth-life-of-a-transgender-person-in-pakistan/>. Accessed: 16 August 2022.

12 “*Transgender Persons Welfare Policy*”. Report (Punjab, 2018), <http://ljcp.gov.pk/tg/report.pdf>. Accessed: 22 July 2022.

13 Humaira Jami, *Conditions and status of Hijras (transgenders, transvestites etc.)*, in *Pakistan: country report*, Conference paper, (Research Gate.net, Feb, 2014), 5, www.researchgate.net/publication/294427308.

gives all the fundamental rights to human beings. Islam is a gender-oriented religion as all the legal or moral rules of conduct are revolving around subsume of two opposing dichotomous sexes or genders generally, males and females. So, we should behave according to nature as how Allah has created us and commanded to live our life accordingly.

Islam recognizes the rights of transgender. Holy *Qur'ān* and the Prophet's sunnah acknowledges their existence. According to Islamic beliefs, nothing takes place except with divine concurrence. The Holy *Qur'ān* is clear on genetic determinations by pointing out that:

هُوَ الَّذِي يُصَوِّرُكُمْ فِي الْأَرْحَامِ كَيْفَ يَشَاءُ ۚ لَآ إِلَهَ إِلَّا هُوَ الْعَزِيزُ الْحَكِيمُ ١٤

“Allah is the “One who shapes you in the wombs as He pleases.”

It is therefore a strong pillar of the Muslim faith that all human forms, shapes, races, physical traits, and individual attributes are elements of a bigger order of creation, which need to be embraced and respected. This implies that every human being male, female, or ambiguous gender has an equal place in Islam and there is no ground for discrimination against anyone based on their gender characteristics.

Islam precisely talks about four genders and has specific laws for them. Their legal rules are assigned for, inter alia, explicitly recognizes among human beings: male, female, DSD/intersex (*khunsā*), and the effeminate male (*mukhannath*).¹⁵

Islam arose in Arab, therefore the gender terminologies will trace back to pre-Islam Arab society, besides, the binary genders they called the confused or undefined gender as *khunsā* (effeminate men) or *mukhannath* (hermaphrodite). In post-Islam society, these terms and this gender recognized remain the same.

Khunthā

Khunthā known as effeminate men are intersexed persons having both or ambiguous sexual organs/genitalia. The Muslim Jurists distinguish them into two different types, the first one called as *khunthā mushkil*, and the other one is known as *khunthā ghayr mushkil*. This sex would be determined based on the genitalia from which urine comes out, or genitalia through which urine comes out first accordingly they will put them in one of those binary genders. It was essential to determine the portion of the inheritance. If sex or gender remains undetermined, they will call him a *khunthā mushkil*. However, if the sex or gender remains determined they will call him a *khunthā ghayr mushkil*.¹⁶

In short, their gender could not be determined as male or female neither at the time of birth nor after puberty whereas the other could be determined from their physical or genital features at the time of birth or after puberty.

Mukhannath

The term *Mukhannath* is being used for Transgender/intersex people in the Arabic lexicons. In classical Arabic, it refers to the effeminate one or the person who resembles a woman or sometimes it uses for a person whose gender or sex characteristics are ambiguous. In certain cases, they used to appear like a woman or perform functions which are usually and carried-out in a society by the women.¹⁷

Modern scientists believe that *mukhannath* is a child born with such sexual malformation.¹⁸ They are the males physically but attire and react like women. They are also known as effeminate men.¹⁹ As Islam is sex oriented, once the sex and gender have been determined, then the portion of inheritance is given accordingly. This criterion was accepted by Islam and

14 *Qur'ān* 3/6.

15 Humaira Jami, *Conditions and status of Hijras (transgenders, transvestites etc.)*, in *Pakistan: country report*, Conference paper, (Research Gate.net, Feb, 2014), 5, www.researchgate.net/publication/294427308.

16 Muhammad b. Alī b. Muhammad al-Hisnī al-Hanafī, *ad-Duru'l-Muhtār Sharh Tanvīru'l-Absār wa Jām'i al-Bahār* (Egypt: Dāru'l-Kutub al-'Almiyyah, 1423/2002), 25. Ibn. 'Abidin as-Shāmī al-Hanafī, *Radu'l-Muhtār 'ala Duri'l-Mukhār* (Beirut: Dāru'l-Fikr, 1412/1992), 1/150.

17 Everett K. Rowson, 'The Effeminate of Early Medina', *Journal of the American Oriental Society*, Vol: 111, Pub No. 4, (Unites States of America, American Oriental Society, 1991), 671–693.

18 Ibid

19 Ibn. Qudāmah, *al-Mughnī*, 6/221. al-*Dasuqī Hāshiyatu'd-*Dasuqī 'ala Sharh'l- Kabir*, 4/489.*

decreed by the Holy Prophet Muhammad (PBUH).²⁰ This is agreed upon by Muslim scholars and jurists among the Prophet's companions such as; *Ali b. Abī Tālib*, *Mu'āwiyah b. Abi Sufyān*, *Saeed b. Musayyab*, and *Jābir b. Saeed*. In cases of undetermined sex and gender, the various schools of Islamic jurisprudence, differ in their opinions about the portion of inheritance that a *khunsā mushkil* is entitled to.²¹

Aside from *khunsā* or *mukhannath*, there are people who have been discussed under *shari'ah* and included under the law of transgender people. They are the *mutarajjul* and the *mamsūh*. Likewise, *mukhannath* are known as intersex or the hermaphrodites. A person born with variety of sexual ambiguities is called an intersex, and hermaphrodite is an older term which was used before. Intersex people are born with sex characteristics (including genitals, gonads, and chromosome patterns) that do not fit typical binary notions of male and female bodies.²²

In modern medical science Hermaphrodites are usually known as 'intersex' persons. Sometimes different conditions assemble and attribute as disorders sex development (DSD) or the sexual development disorder in which there is discrepancy between the appearance of the apparent genitalia and the type of internal genitalia such as testes and ovaries. The condition was termed as hermaphroditism or "pseudohermaphrodites" till 1970's. Androgen insensitivity syndrome is one the example of intersex.²³

Mutarajjul

Those women who adopt male clothing and follow the male expression while talking are known as *mutarajjul*.²⁴

Mamsūh

Mamsūh are persons who do not have male or female genitals which could determine their gender. According to *Sunnī* scholars, they are called *khunthā mushkila* and they are categorized as *mamsūh* by *Shi'a* scholars.²⁵

In Islamic literature, the term *mukhannath* has been used mostly for effeminate people (as well as for hermaphrodites) and *khunthā* for hermaphrodites.²⁶

Recognizing them as members with equal rights in the household, Islamic jurisprudence not only provides for the share of transgender people in inheritance but stipulates equity and fairness. *Tafsir Sa'adī* by *as-Sa'adī* informs that a *mukhannath* with male characteristics predominating will get a male's share, a *mukhannath* with female characteristics pre-dominating will get a female's share, while for a *mukhannath* with ambiguous characteristics (called a *mukhannath-mushkil*), a middle ground will be found.²⁷

It is concluded from the review of classical Islamic literature that Islam does not differentiate among sex and gender, based on, discourages transgenderism. Therefore, the classical canonical books of Islamic jurisprudence consisted of the essential details, provisions, and rights of intersex solely. However, it does not mean that if such identities exist in the society, Islam deprives them from basic human rights, rather Islamic law treats every individual as a human being and considers them equal before law, whatever class and identity they belong to.

Rights of Transgenders in the Constitution of Pakistan

In 2009, Pakistan emerged as a pioneering nation by officially recognizing the existence of a third gender, thus granting transgender individuals the right to vote and obtain identification

20 Zainuddin, A. A., & Mahdy, Z. A. (2017). The Islamic Perspectives of Gender-Related Issues in the Management of Patients With Disorders of Sex Development. *Archives of sexual behavior*, 46(2), 353–360.

21 Abdulwahab Bouhdiba, *Sexuality in Islam*, translated from French by: Alan Sheridan, (London, UK: Saqi Books, 2012), 175.

22 United Nations, "Free and Equal Campaign fact sheet: Intersex", Office of the High Commissioner for Human Rights (2015), 1

23 Melisa Conrad Stoppler, *medical definition of Intersex*, Medterms medical dictionary a-z list, reviewed: March 29, 2021, Medical Definition of Intersex (medicinenet.com). Accessed: 8 August 2021.

24 M. Alipour, 'Islamic Shari'a Law, Neotraditionalist Muslim Scholars and Transgender Sex-Reassignment Surgery: A Case Study of Ayatollah Khomeini's and Sheikh alTantawi's Fatwas', 91-103.

25 Everett K. Rowson, "The Categorization of Gender and Sexual Irregularity in Medieval Arabic Vice Lists," in *Body Guards: The Cultural Politics of Gender Ambiguity*, ed., Julia Epstein and Kristina Straub (New York: Rutledge, 1991), 50-79. Mohammad Naeimi, BETWEEN A LOCAL AND GLOBAL GAY: A GENEALOGY OF GAYNESS PRODUCTION IN THE IRANIAN CONTEXT (Ph.D., UNIVERSITA' DEGLI STUDI DI VERONA, 2020), 86.

26 Ibn. Qudāmah, *al-Mughnī*, 6/221. al-Dasuqī, *Hāshiyatu'd-Dasuqī 'ala Shari'l-Kabir*, 4/489.

27 Abdu'r-Rahmān b. Nāsir b. Abdullāh as-Sa'adī, *Taysīr al-Karīm ar-Rahmān fī Tafsīri Kalāmi'l-Mannān* (Beirut: Muasisatu'r-Risālah, 1420/2000), 168.

cards. This landmark development marked a significant step forward in the recognition of transgender rights. The Pakistani Constitution of 1973, in Article 9, declares that "all citizens of Pakistan can enjoy freedom," and this inclusion extended to the transgender community as they were granted nationality through this legal acknowledgment.

The Supreme Court of Pakistan issued the Transgender Persons (Protection of Rights) Act, which encompasses several vital provisions:

I. Prohibition Against Discrimination This law categorically prohibits discrimination against transgender individuals in various spheres of life, including:

a. Education: Prohibiting refusal, suspension, or discriminatory treatment in educational institutions and services.

b. Employment: Preventing unfair treatment or discrimination in job opportunities, trades, or professions.

c. Healthcare: Ensuring equal access to healthcare services without discrimination.

d. Housing: Prohibiting denial of housing or eviction based on gender identity.

II. Prohibition Against Harassment The law also strictly forbids the harassment of transgender people based on their gender or sex, both within and outside their homes.

Government Obligations The government is mandated to:

a. Establish shelters and protection centers for transgender individuals, and maintain these facilities.

b. Create separate facilities within correctional institutions to accommodate transgender inmates.

c. Develop vocational training programs to facilitate transgender individuals in gaining employment.

d. Support transgender individuals in launching small businesses.

IV. Protection of Rights of Trans-People

a. Right of Inheritance: Transgender individuals are entitled to their rightful share of property without discrimination based on gender identity.

b. Education Rights: Transgender individuals have the right to access education in both public and private institutions.

c. Employment Rights: The constitution (Article 18) ensures equal employment rights for all, regardless of gender identity.

d. Voting Rights: Transgender individuals are entitled to participate in national, local, provincial, and municipal elections.

e. The Right to Hold Public Office: Discrimination based on gender or sexual orientation is prohibited (Article 26 of the Constitution).

f. Rights to Health: Transgender individuals have the right to access medical facilities.

g. Right to Assemble: Transgender individuals have the right to organize and freedom of association (Article 16 and 17).

Despite these legal advancements, societal acceptance of transgender individuals in Pakistan remains a challenge. The transgender community continues to face significant discrimination and violence. Many endure risky sexual encounters due to societal prejudices, leading to health issues. Additionally, instances of sexual assault and violence against transgender individuals persist, sometimes escalating to gang rapes.

These experiences often result in severe emotional and psychological trauma among transgender individuals in Lahore and beyond. In response, some resort to substance abuse or self-harm. They rely on the support of their mentors and community members who provide care and assistance, given the lack of sensitive healthcare services tailored to their needs.

However, numerous human rights violations and discriminatory practices continue, particularly those based on gender identity. Marginalized groups identifying as transgender or non-binary continue to endure stigma, bias, and violence across various aspects of life, including education, healthcare, employment, and interactions with government entities. Instances of exclusion, discrimination, and even murder persist, while some are forced into prostitution, extortion, and human trafficking.

Although progress has been made since the passing of the Transgender Persons (Protection of Rights) Act in 2018, the full realization of transgender rights remains limited, with only a

fraction of transgender individuals able to access their rights. Further efforts are needed to ensure the effective implementation of this legislation and to foster understanding and acceptance within Pakistan's society.²⁸

Issues of Transgender in Pakistani Community

Pakistan is one of the largest Islamic countries in the world. The majority of the population follows and practices Islam as the official religion of the state. Islam has given equal rights to everyone without any discrimination, and the state passed a bill in 2018 that protects the rights of the transgender community; however, it is a bitter fact that only a few of them are enforced and they are unequally treated around the country. They are facing many issues including harassment, violence, discrimination in education, employment, economic stability, health care, political representation, easy access to public places, and death.

In 2009, the transgender population was counted for the first time in two provinces of Pakistan: Punjab and Khyber Pakhtunkhwa only. It was officially recorded that the transgender individuals were 2167 and 324 respectively. However, those organizations and activists who work for transgender rights activists reject this survey by claiming that it has underrated the population. Later on, The UNAIDs estimate it to be approximately 150,000 in 2015. Likewise, according to Integrated Biological and Behavioural Surveillance (IBBS) survey (2016-2017), the transgender population was reported as the sixth population of Pakistan's total population and declared that the housing census is 10,418. However, a number of 31,790 transgender were reported in a survey conducted in the 23 cities of Pakistan where they are residing in the country. It was noted that four cities Karachi, Lahore, Multan, and Faisalabad out of 23, had the major concentration of this population forming more than 60% of the total estimated population in Pakistan. Despite the increasing of transgender people, they still face so many challenges to adjust themselves to gender dichotomies. Some of the important issues faced by transgender individuals are discussed below.²⁹

Social issues

The transgender community cannot get proper advantages from conservative social structures and social institutions. They are unable to dig out and enjoy citizenship rights and their social institution, home, or in society. Due to their marginalized pattern of life, it is difficult for them to fulfil their basic needs. Thus, they are living in very difficult economic conditions, so it is a secondary option for them to invest in education and human capital. They prefer to fulfil their basic livelihood needs like food, clothing, and shelter.³⁰

Rejection from Family to Social Circles

In 2009, an order was issued by Pakistan's Supreme Court that Hijrās must be allowed to identify themselves as a distinct gender to ensure their rights in society. Discrimination causes them to be rejected by their families; they are pressurized to set their identity in gender binaries, to act as either man or woman, and failing to do so leads to separation from their homes and family members and sending them to a transgender community where they are living under the supervision of a Guru. On the other hand, their exclusion from homes makes them isolated and easily targetable to others which leads the prejudice towards them. In Pakistani community, they live on the fringes of society, socially excluded and vulnerable. Lack of education, unemployment, social injustice, cultural boycotts, power imbalances in relationships, and obstinate attitudes of people are some of the reasons for the social exclusion of this community. Other than that, the inability to reproduce and cope with their sexual orientation further adds to their disdain. Due to their physical, social and even cultural characteristics, they face negligence, humiliation and discrimination every day in society. It is worth mentioning that in

28 For details see: Transgender Persons (Protection of Rights) Act, 2018.

29 Jabeen, Fatima, Rabia Mahmood, Sadaf Mahmood, Abdul Sattar Ghaffari, and Tariq Mehmood Bhuttah. "Challenges and living patterns of transgender: qualitative evidences from Faisalabad." *PalArch's Journal of Archaeology of Egypt/Egyptology* 18/7 (2021): 2639-2646.

30 Dayani, Komal Sabir, Anmol Minaz, Sarmad Muhammad Soomar, Rabia Salim Rashid, and Khadija Shafiq Dossa. "Transgender community in Pakistan: A look into challenges and opportunities." *National Journal of Advanced Research* 5/2 (2019): 36-40.

some cultures, they are not allowed to be part of religious practices, but in some, they are considered to be blessed with divine power.³¹

It is concluded from a survey that was conducted on Pakistani Hījrās that, protecting a child is the responsibility of the family in the Pakistani culture, but this rule is barely complied for transgender children. Instead, families often did not accept their transgender children and some parents are even relieved when their transgender offspring leave home. Due to this social discrimination and lack of acceptance by even their families, transgender individuals in Pakistan seek acceptance and emotional shelter with those who are facing similar social hardships. Older transgender individuals may train their younger ones who join them how to dance at different celebrations (such as marriage ceremonies, births, and carnivals) to gain some form of livelihood.³²

Mockery and Biased Attitude

Transgender people face harassment, violence, and lifetime repeated victimisation after disclosing their sexual orientation. The atrocities do not limit here. They have been a constant subject of mockery, insult, and highly biased attitude at schools, colleges, public places, and even in their homes by their closest relatives. Thus, these stigmatised and vulnerable groups are subjected to unlimited and systematic oppression. Studies revealed that violent physical victimisation rates arose from 43% to 60%. It is bitterly ironic that mostly, transgender people are treated with inhuman behaviour. People do not share with them their personal and social space even they do not like to eat, drink, or shake hands with them, despite; they are Pakistani's citizens and have equal rights as others. This discrimination leads them towards extreme social and psychological challenges. However, like a Pakistani society, adjusting to accepting transgender life and its realities can be painful, and hazardous.³³

Stigmatization

Stigmas are individual attributes that are viewed as disgrace within a social context. Stigmatized individuals may be seen as having some undesirable, deviant, or repulsive characteristics which society may look down upon. These undesirable characteristics lead them to negative consequences such as discrimination, limited access to opportunities, and deterioration of interpersonal relationships. Stigma theory proposes that transgender identity is stigmatized by society, which may lead to a person being discredited when that attribute is revealed. Gender-nonconforming individuals often feel that they are being closely scrutinized by others and that once their stigma is revealed; they become identified, such that the stigmatizing characteristic is given primacy over other characteristics. Negative consequences are expected as an outcome of becoming marked in society. In developing countries, such as Pakistan, the societies emphasis on family honour. Because of cultural norms, in such societies, honour accrues to the family as a whole, not just to individual persons within it, and the advancement of their corporate honours is one of the most important targets that families set themselves. Any action breaching some moral norm customarily embraced in a given culture would bring dishonour to the family. In such a scenario, verbalizing one's trans-identity to others can disrupt the social status of the family.³⁴

Portrayals on Media

Transgender people are facing negative representation in the Pakistani media on daily bases. They are often presented in highly essentialist and constructed images by Pakistani media. In general, they face a great deal of prejudice in society, and nowadays transgender representation in the Pakistani media is just reinforcing this legacy of negative stereotypes. The media

31 Mamun, Abdullah Al, Mariano LM Heyden, and Qaiser Rafique Yasser. "Transgender individuals in Asian Islamic countries: An overview of workplace diversity and inclusion issues in Pakistan, Bangladesh, and Malaysia." *Sexual orientation and transgender issues in organizations: Global perspectives on LGBT workforce diversity* (2016): 167-180.

32 Pirzada, Gouhar, Narjis Khatoon Diana, Memoona Khatoon, and Aarz e Gull. "Understanding the Roles and Contributions of Transgenders towards an Inclusive Society in Pakistan: Who Is a Misfit—The Transgender Community or the Society Itself?." *Open Journal of Social Sciences* 10/13 (2022), 227-243.

33 Saeed, Abubakr, Usman Mughal, and Shaista Farooq. "It's complicated: Sociocultural factors and the disclosure decision of transgender individuals in Pakistan." *Journal of homosexuality* 65/8 (2018): 1051-1070.

34 Asghar, Jamil, and Khurram Shahzad. "Media Portrayals of Transgender People in Pakistan-A Case of Misgendering and Marginalization." *Journal of Education & Social Sciences* 6 (2018): 23-39.

depictions of transgender people not only inform the general public about the identity of this community, but it also has a vital impact on the living experience of transgender community members. The currently circulated transgender narratives by the Pakistani media are considerably skewed and misleading as they tend to (re)present a truncated version of transgender identity. It is not uncommon in Pakistan to come across transgender constructs couched in Western frames and terminologies with transphobia embedded in them. In the present era, the visibility of transgender people in Pakistani media increase day by day, however, this increased presence is coming at a cost. Recently, transgender person portrayals in the Pakistani media have emerged as a subject of growing cultural and social attention. But the problem is whatever is being communicated by media with reference to this identity tends to be uncritically consumed by society at a large scale. Transgender people are normally 'objectified' and their sexuality and criminality are foregrounded in such a way that it becomes the only introduction of their entire community. All these inaccuracies and inadequacies of the media representations lead to much real life suffering on the part of the transgender community and for each stereotypical portrayal they have to pay a hefty price in terms of ridicule, taunts, physical abuse and heartless violence. It is also concluded from this research that the abundantly negative representation of transgender people needs to be rethought and re-assessed in a more holistic and humanistic way. They are human beings, and their conduct is as good or bad as general human conduct is liable to be.³⁵

Therefore, the role of print, electronic, and social media in the present times to highlight the issues and problems of individuals is quite necessary. The dominant discourse of transgender community in Pakistan as generated by the mainstream media is of vulnerability and exploitation only. However, the portrayal of transgender individuals started to change greatly in the media industry after 2009.³⁶ The mainstream media became more sensitive and conscious of the status and condition of the transgender community. Consequently, the media industry mainly started to "represent the activism against the discrimination of transgender community that disapproves the inequitable socio-economic and moral practices and emphasizes the basic equal rights for the transgender people. Some of the NGOs are also administrated by khwājah sarās like Wajood society in Rawalpindi. They publish reports on periodic basis and on different issues. Some NGOs working on the transgender community in Pakistan include Aurat Foundation, USAID, Wajood society, Blue Veins, FDI, Naz Foundation, Naz Male Health Alliance, Gender Interactive Alliance Pakistan, Pakistan Transgender Empowerment, Khwājah sarā Society Pakistan, Itehad bara-e-haqooq-e-khwājah sarā Pakistan, Human rights watch, Amnesty International. As a result of this inclusion, many transgender started to join media and entertainment industry. Marvia Malik became the first transgender anchor while Kami Sid emerged as a supermodel. Through their presence on the media, they have also started awareness campaigns to fight against different stereotypes about them in society for instance transphobia or violence against transgender individuals. Interestingly, the advent of social media has revolutionized many aspects of our social world.³⁷ Now social media provides a much safer space for transgender individuals to highlight their problems and build moral support for their cause. Over the period of time more and more transgender individuals are using these social platforms to further their cause. The "trans rise in the digital age", demonstrates the potential of social media space in contemporary times. While the physical-social world is dominated by heteronormative and patriarchal ideologies, social media can provide open and free space for other gender variant individuals to voice their concerns. For transgender people, cyberspace and online mediums are highly accessible and appropriate mediums to educate, aware, and sensitize the society onwards transgender community.³⁸

35 Khan, Saad Ali. "Transgender Community in Pakistan: From Marginalized "aliens/others" to Empowered "Citizens"?" *Progressive Research Journal of Arts & Humanities (PRJAH)* 2/2 (2020): 28-42.

36 Jobe, Jessica N., "Transgender Representation in the Media" (2013). *Honors Theses*. 132. https://encompass.eku.edu/honors_theses/132

37 How Pakistan's first trans model is fighting transphobia, one catwalk at a time. <https://tribune.com.pk/story/1398880/pakistans-first-trans-model-fighting-transphobia-one-catwalk-time>. Accessed: 14 July 2023.

38, Khan *Transgender Community in Pakistan: From Marginalized*, 32.

Legal and Political Inclusion

In the transgender person protection of the right Act, 2017, transgender is legally defined as whose sense of gender does not match with the assigned gender at the time of birth or neither wholly male or female, having gender abnormality, or a combination of female and male and also included trans-men and trans-women, persons with intersex variations and genderqueers.

39

Health Issues

Transgender people are human beings, and they have equal human rights as others but unfortunately, they are not treated humanely in many societies. They are not considered as part of society and are coerced to disconnect their selves from the world. Several cases of violence have been reported against transgender and the research reveals that this violence ends up in an amalgam of difficulties like sexual assault, gang rape, emotional breakdown, suicidal attempts, and physical harassment. An individual suffering from such violence entangles in numerous agonies. A few of them are emotional breakdowns, which leads to disturbed mental health. Victims may suffer from depression, anxiety and isolation. Another significant impact of violence is increase in alarming rates and a decrease in physical health. Across the world, transgender people face multiple disparities including familial rejection, high levels of stigma, discrimination, gender-based violence, marginalization and social exclusion. In a study, which compared health disparities among transgender women in Los Angeles from 1998-99 to 2015-16, participants reported increased physical harassment, abuse, homelessness and lower levels of income. Transgender people also suffer significant health disparities in multiple areas.⁴⁰

People's attitude toward transgender in Pakistan is different as compared to the Western world where they are somewhat getting their rights after a long struggle. As in the sub-continent, they were treated unfairly and deprived of education and employment opportunities; this legacy still exists. They are denied medical care, including psychological and psychotherapy support. They are at peak of risk of suffering from psychological and emotional abuse, physical and sexual assault, sexually transmitted diseases like HIV and viral hepatitis, drug misuse, intravenous injection use, depression, anxiety, and suicidal ideation.⁴¹

In a research study that was conducted among transgender people in Italy, the prevalence of HIV, HBV, and HCV infections was recorded to be 12.1%, 4.6%, and 3.7% in male-to-female, and 0%, 4.0%, and 8.0% in female-to-male participants. A U.S. sample of 1093 transgender people demonstrated a high prevalence of clinical depression (44.1%), anxiety (33.2%) and stigmatization (27.5%). Transgender adolescents report higher suicide attempt rates compared with their cisgender counterparts. They are internationally recognised as a population group that carries a disproportionate burden of HIV infection, with a worldwide prevalence of 20%, and in Pakistan, the HIV incidence among transgender people contributes up to 17.5% of the entire HIV population.⁴²

Due to the lack of knowledge regarding transgender issues or discrimination from healthcare providers, they are facing multiple issues to access healthcare. In a middle-income country, the transgender population is at greater risk of exclusion making them vulnerable to poor access to trans-specific care, HIV prevention and care, and mental health care. A study conducted in Malaysia revealed that 54% of transgender people adopted being sex workers due to lack of employment opportunities and harassment at work.⁴³

The dismal situation of transgender while on the other hand having no or less educational and employment opportunities make transgender unable to get proper treatment when they are ill. Such a poor situation restricts them to avail better medical facilities. The majority have been

39 Manzoor, Iram, Zartasha Hanan Khan, Rafia Tariq, and Rijah Shahzad. "Health problems & barriers to healthcare services for the transgender community in Lahore, Pakistan." *Pakistan Journal of Medical Sciences* 38/1 (2022): 138.

40 White Hughto JM, Reinsner SL, Pachankis JE. *Transgender stigma and health: A critical review of stigma determinants, mechanisms, and interventions*. Soc Sci Med. 2015 Dec;147:222-31. doi: 10.1016/j.socscimed.2015.11.010. Epub 2015 Nov 11. PMID: 26599625; PMCID: PMC4689648.

41 Omer, Sonia, Sadia Jabeen, and Syeda Narjis Sherazi. "Historical Context and Situational Analysis of Rife Socio-economic Manifestations of Transgender Community in Lahore City." *Journal of the Punjab University Historical Society* 34/01 (2021).

42 Ibid.

43 Ibid.

unable to eat three times proper meals, which causes a lack of basic nutrition. This situation further leads to poor health conditions among the transgender community. The poverty and lack of resources resulted in less medication or consulting only medical stores. Bad behavior and mistreatment prevent transgender availing of medical facilities thus causing stress and anxiety among them.⁴⁴

WHO acknowledges the health needs of the transgender community and strongly advocates that all forms of stigma and discrimination, within or outside the health system, should be avoided. The judgment of the Supreme Court of Pakistan, declaring transgender people as full and equal citizens of Pakistan is a big milestone in the history of the country. At present little is known about the prevalent health issues of transgender people in Pakistan and barriers to accessing health care services. They face physical, mental, social, and reproductive health issues. It is reported that about 70% of transgender people receive poor quality healthcare services. Besides, un-acceptance, feeling ashamed, unavailability of CNIC, and unaffordability have been reported as major barriers to getting proper health care.

Currently, In the healthcare sector efforts for reducing healthcare disparities faced by the transgender community can be seen at the provincial level. Hence, In Khyber Pakhtunkhwa, Sehat Insaf Cards are issued to transgender people among others to ensure health for them. This initiative will ensure free-of-cost coverage for HIV/AIDS and cancer tests and treatment and it will also offer medical coverage of Rs 400,000 per family for health emergencies. PIMS Islamabad, under the Transgender Protection of Rights Act 2018, allocated a separate ward for transgender people where they would be treated for free.⁴⁵

Discrimination in Educational Institutions

Education Institutions are considered healthy places for the education of children to grow and meet the challenges of the world. The situation is very grim for the transgender community. There is no concept of getting education for them. They have no acceptance and equal opportunity for education and no place to live there like others. Some of them tried to get education but faced lots of obstacles in terms of their enrolment in schools, group selection in the classrooms, and answering the questions. In the early stages, the family is not serious about their education as they knew about their gender. Secondly, the economic situation of the family also affects the decision of their education. The most unjust situation is prevailing within the institution itself. There is no system within the premises to support the transgender children. Teachers and school administration never bother to concern what is actually happening with the children in the classrooms and school.⁴⁶

Education is also a basic need of every person to survive in society but unfortunately, transgender people cannot make choices about their education. It is noted that their acceptance in educational institutions is less as compared to other segments of society. The children and their parents are reluctant on their entry in education institutes.⁴⁷

Discrimination in Professional or Vocational Trainings

Exploring Future Foundation's project "The Gender Guardian" which is Pakistan's first all-transgender school and which provides both formal education and vocational training. With this, Blue Veins Khyber Pakhtunkhwa based advocacy group is giving educational scholarships to the transgender community. Transgender people are good at learning new skills and other different works. In terms of learning, they are capable enough to learn new skills and get the opportunity of a good and respectable profession. They want to become as successful as others, but they usually do not get their desired position due to a lack of moral and financial support. Besides learning new skills and maturing with required competencies, some successful examples of transgender people excel in professional fields despite social pressure. For

44 Dayani, "Transgender community in Pakistan: A look into challenges and opportunities", 36-40.

45 Tabassum, "Plight of marginalized: Educational issues of transgender community in Pakistan", 107-119.

46 Jabeen, "Challenges and living patterns of transgender: qualitative evidences from Faisalabad", 2639-2646.

47 Pirzada, "Understanding the Roles and Contributions of Transgenders towards an Inclusive Society in Pakistan: Who Is a Misfit—The Transgender Community or the Society Itself?", 227-243.

instance, Sara Gill is recently recognised as the first transgender doctor in Pakistan, while Marvia Malik is considered the first transgender anchor in the Pakistani media industry.⁴⁸

Employment Quota

In Pakistani society, violence, poverty, inequality, lack of educational opportunities, and insufficient legal and medical services remain the significant issues faced by transgender people today. However, it is also worth mentioning that some efforts are being made in this regard to overcome the aforesaid problems and issues. For instance, the Supreme Court of Pakistan for the first time in 2009 gave transgender the status of third sex in CNIC and ordered the reservation of 2% employment quota. Moreover, in 2012 the court recognized their rights of employment and inheritance in their parent's wealth. Besides this, the Lahore High Court for the first time issued the order to include transgender people in the 2017 population census. Transgender Protection of Rights policy has been published by Punjab Social Protection Authority on May 24, 2018, Act No. III, which recognizes the identity of transgender people, prohibits discrimination and harassment against them, and promises to provide equal status, medical facilities, psychological care, counselling, education, and the right to employment for them.⁴⁹ With that, Transgender Welfare Policy has also been published by PSPA, which aimed to identify the factor that results in social vulnerabilities of transgender and future implications for the welfare of the transgender population. Other than this, many NGOs working to empower the transgender community like Wajood, a community based transgender community organization in Pakistan, which launched the Pakistan Transgender Empowerment Association: A Voice for social change and Empowerment, and Gender Interactive Alliance. The main objective of such organizations is to empower the transgender community and raise their voice for their rights and issues at the national level.⁵⁰

Involuntary Involvement in Unethical Work

A considerable population of the transgender community seeks their stream of income through prostituting. This type of business is not only putting them at risk but also the other person engaged with them because safe sex is not being practised, therefore, HIV has been found to be relatively common in the transgender community. Giving equivalent access to lodging, training, open offices and work openings, and creating and actualizing against segregation laws and arrangements that ensure transgender people in these unique situations, including ensuring their wellbeing and security, are basic to guarantee that the transgender community is treated as equivalent people. It is also a bitter fact, that due to lack of acceptance by local people and scarcity of events results into forcing transgender into prostitution and beggary. Transgender people are deprived of their old professions of singing, dancing and further being denied joining normal professions as societal thinking, norms and practices prevent them is grabbing normal employment opportunities.⁵¹

Out of Inheritance

The government of Pakistan broke ground in 2018 with its legislation of the Transgender Protection of Rights Act. This legislation was cutting-edge within South Asia and globally with the Act's declaration that gender identity inheres in the individual. The Act broadly defines a 'transgender person' to include intersex persons, khwāja sarās, and also; "any person whose gender identity or gender expression differs from the social norms and cultural expectations based on the sex they were assigned at the time of their birth". Moreover, the Act goes on to declare that "[a] transgender person shall have a right to be recognized as per his or her self-perceived gender identity."⁵²

48 Mamun, "Transgender individuals in Asian Islamic countries: An overview of workplace diversity and inclusion issues in Pakistan, Bangladesh, and Malaysia", 169-180.

49 Dayani, "Transgender community in Pakistan: A look into challenges and opportunities", 36-40.

50 Omer, Sonia, Sadia Jabeen, and Syeda Narjis Sherazi. "Historical Context and Situational Analysis of Rife Socio-economic Manifestations of Transgender Community in Lahore City." *Journal of the Punjab University Historical Society* 34/01 (2021), 181-199.

51 Pirzada, "Understanding the Roles and Contributions of Transgenders towards an Inclusive Society in Pakistan: Who Is a Misfit—The Transgender Community or the Society Itself?", 227-240.

52 Ibid.

The 2018 Act was also important for its efforts to resolve questions and tensions about how transgender people fit into Pakistan's enforcement of Islamic law. Despite these efforts, litigation has recently been brought challenging the Islamic credentials of the 2018 Act. However, this litigation has not centred on the 2018 Act's detailed Islamic inheritance provisions. Rather, different suits launched in the Lahore High Court and the Federal Shariat Court (FSC) in Islamabad have argued that the 2018 Act encourages homosexuality and same-sex marriage—allegedly forbidden under Islamic law.⁵³

Conclusion

"Transgender" is an umbrella term that refers to individuals whose gender identity differs from the sex assigned to them at birth. It is not limited to transgender men (assigned female at birth, identifying as male), transgender women (assigned male at birth, identifying as female), and non-binary individuals (whose gender identity does not exclusively align with male or female). The understanding and recognition of transgender individuals has evolved. Historically, transgender identities have been present in various cultures and communities around the world, often with different terminologies and cultural contexts. The chronological tracing of the transgender term shows that the contemporary Western concept of transgender people belongs to the early 1900s, but they got legal acceptance in the early 21st century. Islamic perspectives on transgender individuals are different in various schools of thought and scholars hold different views on this subject. It is worth mentioning, that in some Asian countries with predominantly Muslim populations, there may be different degrees of acceptance and recognition of gender identities beyond the traditional male and female binary. Some Islamic scholars and communities within these countries may emphasize compassion, respect, and inclusion for transgender and non-binary individuals, acknowledging their struggles and advocating for their rights within the framework of Islamic teachings. It is also important to note that in certain Asian countries with strong conservative or traditionalist interpretations of Islam, there may be less acceptance or limited recognition of gender identities beyond the binary. Cultural, social, and religious factors can influence attitudes and perspectives within these communities.

Transgender individuals encounter obstacles from social, cultural, and legal aspects, such as discrimination and limited healthcare access. Their rights have improved through advocacy and awareness efforts. Gender identity encompasses a wide range of identities beyond traditional male and female. In Pakistan, transgender people confront challenges due to government neglect, resulting in family rejection and reliance on dancing for income. They are denied rightful entitlements, subject to abuse, and experience restricted opportunities. Despite existing laws, practical implementation remains insufficient. Transgender inequality denotes discrepancies in treatment, rights, and opportunities for those whose gender identity differs from their assigned sex at birth. This arises from societal adherence to binary gender norms, leading to distinct hurdles. This marginalization negatively impacts education, employment, and obtaining accurate identification documents. The lack of recognition further deprives them of essential services and rights, perpetuated by societal stigmatization. Addressing this issue demands legal safeguards, policy adjustments, and awareness campaigns. Creating a supportive atmosphere that upholds transgender rights is critical. Collaborative efforts among academia, activists, policymakers, and transgender communities are imperative. Gender identity struggles significantly influence well-being and family dynamics. The absence of substantial support highlights the disregard within Pakistani society. In a Muslim-majority context, Islamic principles call for respecting and supporting chosen names. Developed nations are making strides in transgender rights through legal changes like self-declaration of gender. Conversely, developing countries like Pakistan, India, and Bangladesh face healthcare obstacles due to prejudice and discrimination. Transgender individuals also encounter difficulties in accessing public spaces, encountering media representation, and securing

⁵³ Ibid.

employment opportunities. Inclusive policies are pivotal in fostering acceptance and embracing diverse gender identities.

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