

**Ministry of Human Rights
Government of Pakistan
Initiatives taken for Transgender Rights.**

INTERNATIONAL
THE NEWS



***Shireen Mazari hires
first transgender for
Ministry of Human Rights***

Summery

For several hundred years before the British colonial era, Pakistan's Khawajasara/hijra community was respected and had a special role in society. Khawajasara/hijra have a rich and diverse history in South Asia and historically have held a venerated cultural status in Pakistani society, including holding powerful positions in Mughal Courts prior to the British colonial era. In some parts of the country, Khawajasira are considered those whose prayers are answered by God, bestowing on them the unique ability to bring good fortune and fertility to others. However, since colonial times transgender women have been targeted by the state. During the British colonial era many aspects of local culture that were deemed to fall outside of strict Victorian morality, including more fluid ideas about gender identity, faced newly introduced legal and structural barriers designed to enforce conformity with these foreign norms. The status of Khawajasira significantly deteriorated from colonial times resulting in multilevel discrimination and violence.

The Transgender Act 2018 explicitly bans any discrimination against transgender citizens of Pakistan by employers, organizations, educational institutions, healthcare providers, transportation service providers and any private business or service provider. Under the obligations of government it also calls for the establishment of government-run protection centers for transgender citizens who feel at risk of harm. It further guarantees transgender citizens their right to inheritance - often disputed under some interpretations of Islamic law - to run for public office, to assembly, to have access to public places and several other specific rights.

In order to ensure effective implementation of the Act, MOHR is taking several initiatives. Following are some of the steps taken during by contract period.

Transgender persons in Pakistan constitute one of the country's most vulnerable and marginalized communities due to a multitude of inter-related socio-cultural, political, economic and legal hurdles. The community which traditionally enjoyed an esteemed status in the pre-colonial South Asian society suffered a gradual decline in its socio-economic status during the British Raj which ostracized and criminalized transgender community through the Criminal Tribes Act, 1871. Such colonial-era stereotypes and

misconceptions surrounding transgender persons have remained embedded in Pakistani society till date.

Despite the constitutional guarantee of equal rights for all citizens of Pakistan without any discrimination on the basis of sex ¹, the daily experience of Pakistan's transgender persons is marked by marginalization, abuse, degradation, lack of opportunity, social opprobrium and most critically, all-pervasive violence. In May 2018, the Government of Pakistan passed an unprecedented and historic legislation — The Transgender Persons (Protection of Rights) Act, 2018 —with the aim of advancing and mainstreaming the constitutional rights of transgender persons. The legislation itself is wide ranging and encapsulates the right to identity, inheritance, health, education, employment and access to public places.

Ministry of Human Rights

The Federal Ministry of Human Rights(MoHR), which was a participant in the consultative process to bring about the aforementioned Act, has been delegated the responsibility for its effective implementation by the Parliament. To achieve this goal, MoHR has not only conducted consultations and meetings with transgender rights activists and civil society organizations but has also established the National Implementation Committee on transgender persons which consists of a transgender focal person from each province. Furthermore, MoHR has also appointed a Transgender Expert from the community itself, who serves as the coordinator of the said committee. These initiatives taken by MoHR are setting examples for others to follow in order to promote and mainstream transgender rights.

List of Activities

National Implementation Committee

MOHR has constituted a National Implementation Committee which comprises of 13 members with the Secretary MOHR as its Chairperson for the effective implementation of the Transgender Persons (Protection of Rights) Act, 2018. The MOHR has also appointed a Transgender Person, Ms Aisha Mughal, to work as the Transgender Rights Expert and to serve as the coordinator of the said National Committee. After my appointment, I have developed a coordination mechanism

¹ Article 25, The Constitution of the Islamic Republic of Pakistan, 1973.

and TORs for this committee. We have also conducted several meetings and consultations with the committee members.

Transgender Protection Center (TPC)

- Conducted 2 consultations with all the relevant stallholders (transgender community members, government institutions and civil society) to develop coordination/referral Mechanism
- Prepared Terms of Reference (TORs) for the TPC
- Several meetings to finalize the building
- Arrangement/appointment of staff
- Allocation of budget
- Preparation and initiation of IC1
- Preparation and Submission of Concept note and Budget to Oxfam and UNDP (in order to get rent and core support until PC1 is approved)

Police Sensitization

- Drafted police guidelines with reference to international precedent.
- Conducted police sensitization session and consultation on the drafted Guidelines with Islamabad and Rawalpindi Police.
- Visited CPO Rawalpindi Police Office to discuss Transgender Law and police guidelines. Currently we are in the process to conduct a large scale sensitization workshop for the police of Rawalpindi District with the support of CPO.
- Drafted the content for the wall posters for all the police stations of Rawalpindi District
- Translated police guidelines in Urdu.
- Developed a strong liaison with the Rawalpindi Police through regular correspondence.
- Conducted second round of consultation with Islamabad Police.
- Submitted the Draft guidelines to all the provincial IGs to solicit feedback.

Provincial consultations

- Provincial Consultations in collaboration with UNDP in Karachi, Quetta, Lahore and Peshawar on the Terms of Reference of the National Implementation Committee and to reduce transphobic stigma and discrimination in all the 4 provinces.

Rules for the Transgender Persons (Protection of Rights) Act 2018

- Extensive Research on Transgender issues with specific reference to Pakistan.
- Prepared Zero Draft and discussed the same in inter ministry meetings with IC wing and HR wing.
- After feedback further research was conducted and incorporated in the first draft of the Rules.
- Conducted National consultation on the Rules with all the relevant Federal Ministries, Government Institutions and Transgender Activists.

Meetings with Stakeholders

- Meetings with NADRA and Passport offices to discuss Transgender Related issues of Name and Gender Change.
- Meetings with Transgender Community leaders from the National Implementation Committee to take their input and suggestions.
- Meetings with Ministry of Health to sensitize them about Transgender issues and take their feedback on health related section of the Act.
- Meeting with the Commissioner for Transgender to discuss the rules of the Act.
- Meetings with transgender activists and allies from different cities
- sensitizations sessions with the grass root level transgender community.

Consortium of Trans led organizations

- Developed a Consortium of Trans led organizations in collaboration of UNDP. Proper file has been maintained

Transgender Community

- Developed a strong liaison with the Transgender Community of Pakistan
- Conducted several sessions and meetings with grass root level Transgender community.

- Facilitated several complaints from the transgender community members and linked them with the helpline of MOHR
- Developed coordination mechanism for all the 5 community leaders who are members of the National Implementation Committee.

Awareness sessions at universities and other public platforms:

- Attended several awareness sessions as a panelist/speaker on different events such as Nust University, Air University, Iqra University, COMSATS, Shoor Foundation, Pakistan Coalition for Education, World Bank, Micro Finance conference, Bangkok conference etc.

Being admitted in Hospitals

- Separate wards have been established in PIMS hospital for Transgender citizens.

Ease in Medical legal procedures

- Section 12 of the Transgender Persons (Protection of Rights) Act 2018 gives the right to health for the Transgender community. MOHR has drafted the rules of the said Act and currently we are holding consultations to finalize these rules.
- MOHR teams is having regular correspondence with Ministry of Health in order to solicit their feedback for the health guidelines and Rules of the Act.

Details of the Activities

Gap Analysis

This document of Gap analysis was done after the thorough desk review of all the relevant files of MOHR, Court cases regarding Transgender especially the famous case of Sami Saleem Bhatti where in 2010 the high court allowed to have sex change surgery, Constitution of Pakistan, National Action plan, PMDC code of ethics, NADRA policies so on and so forth. Several meetings were conducted with relevant resource persons to gather the accurate and Up to date information. This document mainly contains gap analysis of the relevant legislation for the transgender community i.e. The Transgender Persons (Protection of Rights) Act 2018 and has also taken into consideration the Punjab Social Welfare Protection Policy, MOHR documents, files other related documents. This document aims to:

- Understand the Act and identify the gap sand translate them into relevant guidelines/rules.
- To guide MOHR to formulate effective work plan with respect to Transgender Community.
- To make sure that the Transgender Act is effectively implemented

Learning the Government Files system

The important lesson learnt during the contract period with MOHR was to know the importance of file. Transgender related files were maintained under the guidance of my supervisors and proper marking and note taking was also incorporated. For all the tasks and activities, separate files with notes are maintained and updated on regular basis depending on the internal and external correspondence. This is an effective way to keep record of every activity with all the minute details. Official correspondence, letters and their responses were also part of my capacity building and routine tasks.

On regular basis, meetings are conducted with all the wings, departments and officials of MOHR as transgender is a cross cutting theme and involves working with many MOHR officials. Having a strong coordination is key to effectively implement all the deliverables.

Meeting with NADRA

NADRA is the most important and most relevant institution when it comes to the effective implementation of the Transgender Law as all the other government departments take the data from NADRA. Meetings were held with NADRA officials and the director operations of head quarter to review the policies and suggest changes. The term Eunuch was also asked to replace with the term Transgender. Feedback was also taken for the formulation of Rules.

Dear Aisha

It was a nice meeting with you and all the points mentioned by you in attached Minutes have been agreed and incorporated in NADRA System for ID Card application.

It is also appreciated that during meeting you highlighted the point regarding use of word "EUNUCH" in NADRA SOPs, which must be changed to Transgender. I have acknowledged and we have subsequently changed the word "EUNUCH" to "Transgender" in NADRA Registration SOP, which is going to be implemented in coming weeks at all our Registration Offices.

We will look forward to your valuable suggestions in future.

Best Regards

Kashif Nazar Khan

Director Operations
HQ NADRA

[Quoted text hidden]

Meeting at Passport and Immigration Headquarter



Meeting was held at the Passport and Immigration headquarter Islamabad on Thursday, 14th November 2019 to discuss the Policy for Transgender Citizens and to take their feedback for the Drafting of Rules for the Transgender Person (Protection of Rights) Act 2018.

Following points were discussed during the meeting:

- 1) Transgender Person (Protection of Rights) Act 2018 was shared with the Passport office team and transgender definition was discussed in detail. They were also told that MoHR is drafting Rules for the said Act and will invite them for the consultation.
- 2) The issue of 'X' gender passport was discussed and the problems associated with "X" category in traveling especially for Hajj and Umrah were also raised. To this, Passport office said that MoHR needs to raise this concern with Ministry of Foreign Affairs (MoFA) and Hajj Aukaaf.
- 3) A suggestion was given to them to put "F" or "M" on the passports of Transgender citizens who have CNIC with "X" Gender Marker in order to avoid International Travel issues. To this

they responded that Passport data is extracted from NADRA, so we can only use the Gender Marker on Passport which is same on the CNIC. For example If Transgender woman get "F" CNIC, Passport office will give them "F" Passport.

4) The Old Passport will be attached to the new Passport, even if the new Passport has gone through the name and gender change. In this manner, the Transgender Person's previous international travel (with old name and gender) will be linked to the new passport.

5) Some Transgender have changed their Gender marker on CNIC i.e. "X" but they have not changed their Passport and the gender marker on Passport is still "M" which they use to travel for Hajj and Umrah. In this situation, it is illegal to have different information on CNIC and Passport.

6) It was suggested to sensitize their staff at the Passport offices and Immigration counters at the airports about the Transgender Act. To this they said if MoHR writes them about it, they can notify their staff about the issues of Transgender community.

7) In the end It was also suggested to hire Transgender citizens at the Passport offices.

Meetings at Ministry of Health



Several meetings were held at Ministry of health regarding the Rules of the Act and to discuss the role of doctors and medical staff in the depathologization of transgender and intersex identity. I also had meetings with Health minister and their team and assisted them in the Sehat Card program for the Transgender community.



Meeting with The Minister of Health, Dr Zafar Mirza.

1st Consultation on Protection centre

Ministry of human rights, under the leadership of Dr Shirin Mazari and Ms Rabia Javeri Agha, has initiated the process of establishing the first protection centre of Transgender community.

The year of 2018 has been very crucial for the transgender rights movement as this year Pakistan has passed the historical Transgender person (Protection of Rights) Act 2018. This law has made Pakistan one of the progressive countries in the world in terms of Transgender Rights as this law grants the right of self identification to the Transgender community. Now, it is very important to develop policies and awareness campaigns for the effective implementation of the said Act.

The Transgender community in Pakistan faces multilayer social, political and legal discrimination. Violence, poverty, human rights violations, socioeconomic inequality, lack of education, lack of economic opportunities and insufficient legal services are some of the significant barriers faced by Transgender community in everyday life.

According to the section 6(a) of the Transgender Persons (Protection of Rights) Act 2018, The Government shall establish Protection Centers and Safe Houses to ensure the rescue, protection and rehabilitation of Transgender persons in addition to providing medical facilities, psychological care, counseling and adult education to the Transgender persons. Toward this end

MOHR is taking an initiative to establish a Protection Center for Transgender Persons and create a platform where the community can feel safe and their grievances can be heard.

Protection Centre will be designed to ensure safety, protection, provision of immediate medical attention and promote accountability. Services are aimed at addressing the spectrum of violence by providing immediate guidance, counseling and basic education of human rights.

Objectives:

The Transgender Protection Centre will provide services in compliance with section 6(a) of the Act. Services at the protection centre aims:

- To provide medical/health services
- To provide legal advice/ legal aid

- To provide Psycho- Social Counseling
- To develop referral mechanism and multisectoral partnership.
- To link the Transgender Persons to the relevant referral partners/service providers.
- To establish linkages with law enforcing/agencies/police complaint cells



A first consultation meeting was held on September 20, 2019 where relevant government departments and community leaders were invited to solicit their feedback in the process of development of guidelines/TORs for the Protection center.

Second Consultation meeting for referral mechanism for Protection center

After the first consultation, the MOHR team visited several buildings for the finalization of the location of the location for the protection center. Due to shortage of resources there was a need to develop a referral mechanism and ask other organizations and stakeholders to provide their support in the establishment of the said center.



Towards this end, a border consultation meeting was organized where all the relevant departments, community leaders, UN agencies and civil society organizations were invited.



The community activists from different cities shared their experiences and highlighted the issues of their region. They appreciated that MOHR is establishing the protection center in Islamabad but at the same time they also suggested to open protection centers in other cities as well because there is high need of such centers.

Civil society organizations and UN agencies also gave their suggestions and offered their technical support in this process. Feedback Forms were also filled by all the participants where they mentioned the kind of support which they can offer to MOHR in the establishment of the protection center. This will help MOHR to develop a strong referral mechanism.

Police Sensitization Workshop (Development of Police Guidelines)

In order to ensure effective implementation of the Transgender Act, it is important to frame guidelines for all the relevant Government institutions. One of the most important stakeholder is police as they have huge impact on the lives of the Transgender community members. There was a strong need to develop guidelines for police to sensitize them about the issues faced by the grass root level transgender community members.

The Draft Guidelines for Police Engagement with Transgender Citizens aim to bridge the gap between international best practices and national realities through measures that are not only implementable and practical but also relevant to the Pakistan's legal context. In addition to a rigorous legal review and analysis of national legislative framework, an extensive desk review was undertaken which covered international human rights best practices, relevant policy documents, academic research articles, and the latest directives developed by law enforcement agencies in the United States.



After preparing these draft guidelines, A consultation workshop was conducted with Islamabad and Rawalpindi police on October 8, 2019 in order to chart the way ahead for police engagement with transgender persons.



In addition to providing a historical backdrop to the current status of transgender persons in Pakistan, the workshop shall aim to:

- Sensitize Law Enforcement Agencies (LEAs) on transgender issues and unique challenges.
- Improve understanding of the Transgender Persons (Protection of Rights) Act, 2018, among the LEAs.
- Increase trust in the LEAs by the transgender community.
- Present Draft Guidelines for Police Engagement with Transgender Citizens and set timelines for feedback and finalization of draft guidelines.
- Organize awareness sessions with transgender community on the new SOPs of police.
- Replicate this sensitization workshop in the provinces, spearheaded by MoHR.

The workshop provided a platform for the MoHR to solicit feedback from representatives of LEAs on Draft Guidelines for Police Engagement with Transgender Citizens. The feedback was then be incorporated and a revised draft was prepared. Soon these guildlines will be notified after consolations with the provincial police authorities.





Visited CPO Rawalpindi Police Office to discuss Transgender Law and police guidelines. Currently we are in the process to conduct a large scale sensitization workshop for the police of Rawalpindi District with the support of CPO.

National Consultation on the Draft Rules of the Transgender Persons (Protection of Rights) Act 2018.

In May 2018, the Government of Pakistan passed an unprecedented and historic legislation — The Transgender Persons (Protection of Rights) Act, 2018 —with the aim of advancing and mainstreaming the constitutional rights of transgender persons. The legislation itself is wide ranging and encapsulates the right to identity, inheritance, health, education, employment and access to public places.



The Federal Ministry of Human Rights(MoHR), which was a participant in the consultative process to bring about the aforementioned Act, has been delegated the responsibility for its effective implementation by the Parliament. To achieve this goal, MoHR is currently in the process of developing rules of the Transgender Persons (Protection of Rights Act) 2018. For this purpose MoHR invited all the relevant Federal Ministries, Government institutions, Provincial

social welfare departments and Transgender community members and human rights defenders to solicit their feedback on the first draft of the Rules.

Following steps were taken:

- Extensive Research on Transgender issues with specific reference to Pakistan.
- Prepared Zero Draft and discussed the same in inter ministry meetings with IC wing and HR wing.
- After feedback further research was conducted and incorporated in the first draft of the Rules.
- Conducted National consultation on the Rules with all the relevant Federal Ministries, Government Institutions and Transgender Activists.



The Ministry of Human Rights (MoHR) with technical support of UNDP Pakistan organized a Consultative Workshop on the Rules of the Transgender Persons (Protection of Rights) Act 2018 in PC Hotel Rawalpindi on 21st November 2019.

Provincial training and consultations

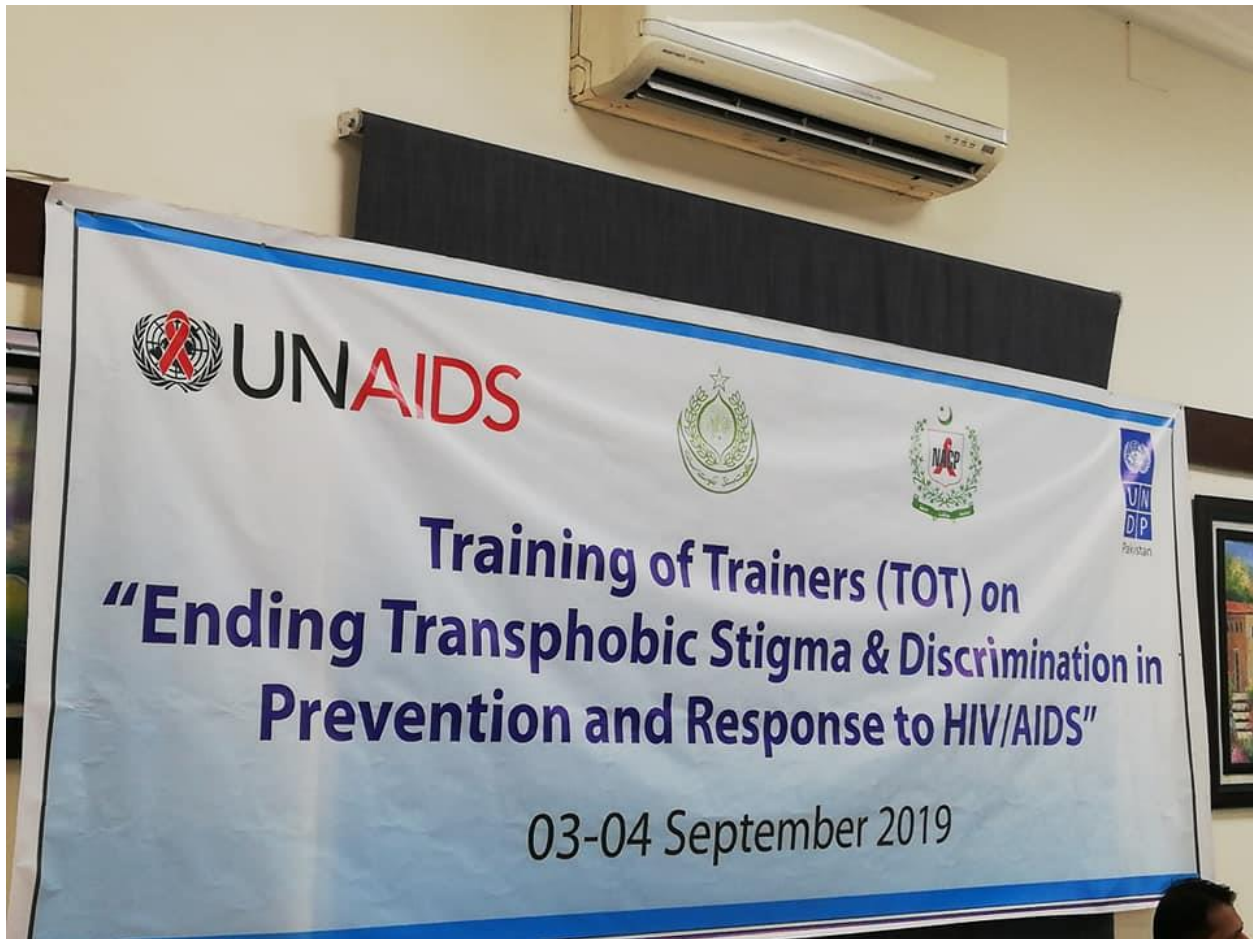
UNDP in collaboration with UNAIDS organized Training of Trainers (TOT) in Karachi, Quetta, Lahore, Islamabad and Peshawar on "Ending Transphobic Stigma and Discrimination in prevention & response". Ms Aisha Mughal, represented the Ministry of Human Rights (MOHR) in the said trainings and led some of the sessions and conducted 5 consultations on the Terms of Reference (TORs) of the National Implementation Committee that has been established by MOHR through the Notification **F.No. 6-11/2018-DD(IC-III)** to facilitate the implementation of the Transgender Persons (Protection of Rights) Act 2018.



The initiatives taken for the Transgender rights and protection by MOHR were also highlighted.

In the said trainings cum consultations, the transgender community leaders and activist were present along with the health care providers and the members of the civil society organizations. Social Welfare department of the Sindh also participated in the meeting.

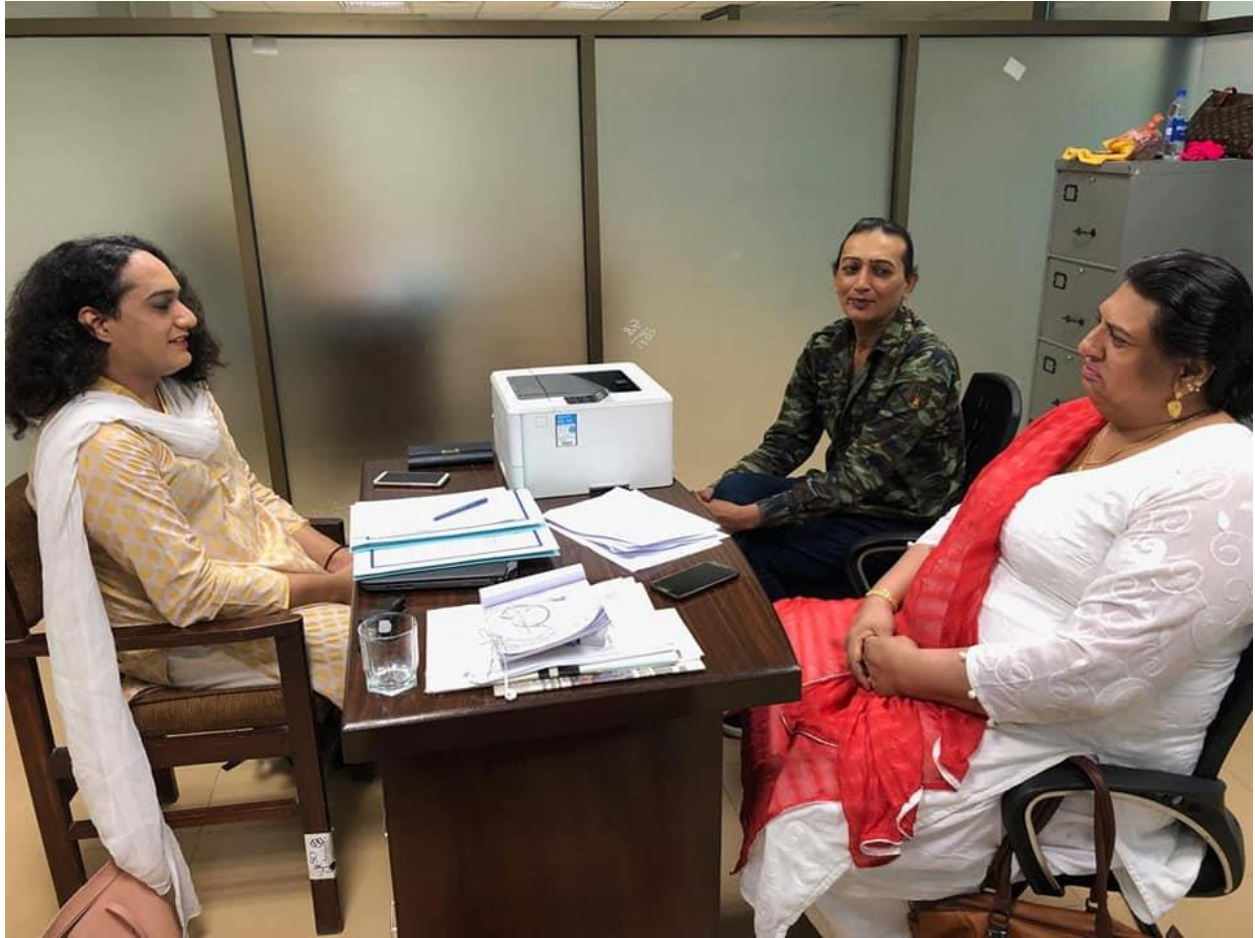




Feedback was taken from all the members of the committee and the issues and dynamics of each province were also highlighted. Coordination mechanism between all the provincial members, transgender leaders, of the committee has also been developed besides the TORs of the committee.

National Implementation Committee

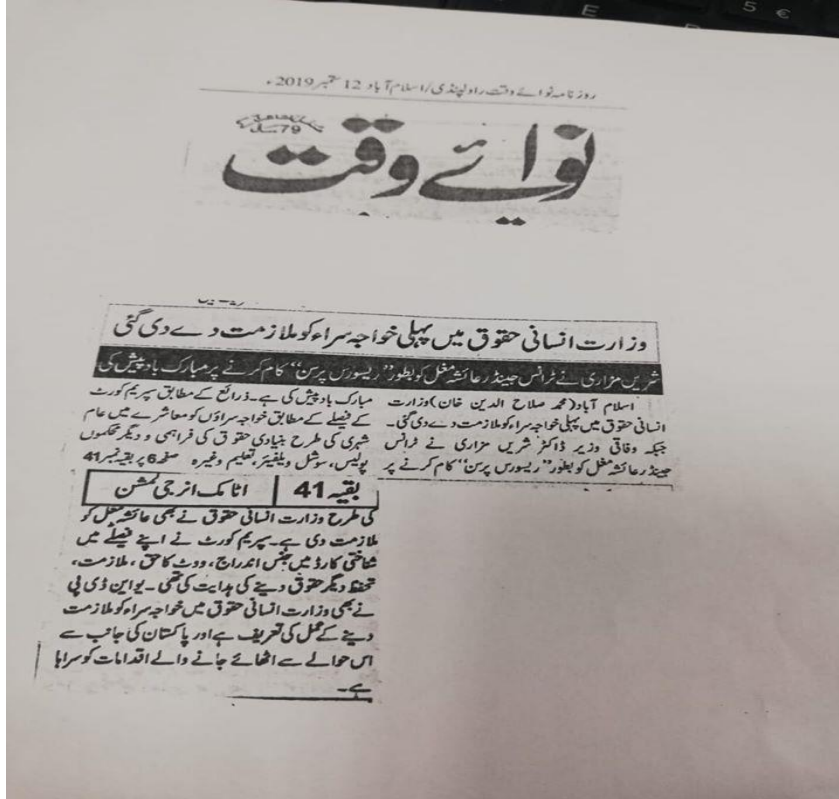
Coordination mechanism has been established and TORs have been developed for the said committee after thorough consultations in all the provinces and by taking on board all the 13 members. Regular meetings and correspondence takes place with all the members and their input is taken and their provincial issues/developments are taken into account

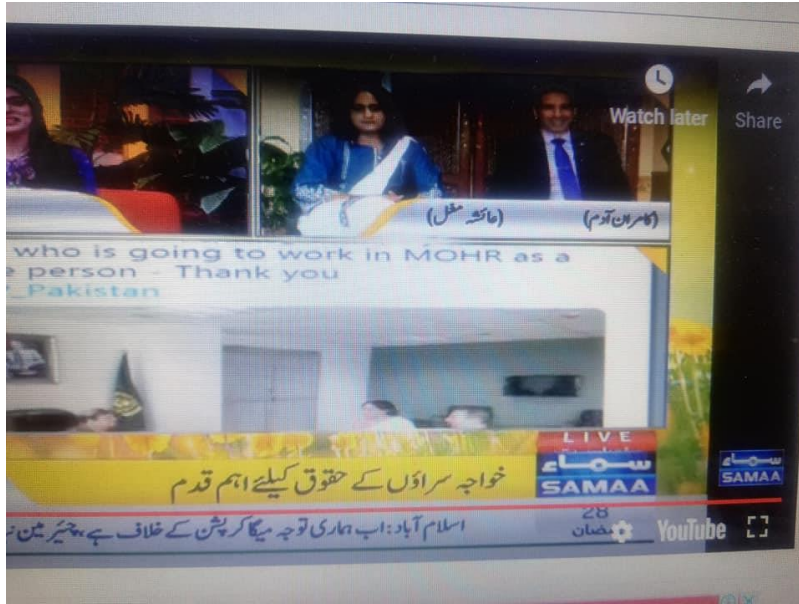


This picture was taken in one of the meetings with the member of the committee from Punjab and Islamabad.

Awareness through print and electronic media

Media plays a crucial role in framing the perceptions and breaking the stereotypes. Media has to be involved in spreading awareness about transgender rights and issues. During my contract period, I have developed liaison with media partners to promote transgender rights.





Coordination with UN agencies



Organized meeting with UNAIDS Pakistan



Presentation at UNDP

Interacting with Grass root level Transgender community



An interactive session was held with Nadeem Kashish (member of MOHR committee) in Bari Imam with the grass root community and their issues were noted.



The role of MOHR and other institutions besides the Transgender law was briefed to the community members.

Meetings with Trans Activists



Represented MOHR in the Asma Jahangir Conference in Lahore.



Talk on Transgender rights, inclusive approaches and gender equality with peace agents of Shaour Foundation

Sessions at Universities and public platforms



Panel discussion at Micro Finance Conference.



Panel discussion at NUST university



Talk at Pakistan Coalition for Education



Session at IQRA university



Session at World Bank



Session at community led organization, Wajood Society with Trans community and civil society.

Second Consultation with Islamabad Police and launching of Police station wall Posters





Prime Minister secretariat recommended Aisha Mughal's name as a panelist to speak on the Kashmiri women's resistance day on 25th February 2020.



MOHR making history!

Ministry of Human Rights made history by taking Transgender woman, Ms Aisha Mughal as part of Government delegation in UN CEDAW committee, hence making Pakistan the first country in the world who took this initiative.



Ministry of Human Rights
@mohrpakistan



The Government of Pakistan has become the first country in the world to include a legally recognized Transgender woman, Ms Aisha Mughal, in its National Delegation at the UN CEDAW committee in Geneva, Switzerland

[#CEDAWPak](#) [#CEDAW75](#)



Health cards

The Prime Minister of Pakistan has launched the Health Cards for all the Transgender citizens of Pakistan last month. MOHR assisted Ministry of Health in this process and our Transgender Expert, Ms Aisha Mughal was co-master of ceremony at the Prime Minister House.



First time in the history of Pakistan, a special event for Transgender citizens was held at the Prime Minister house.

Health cards will be provided to all the transgender persons who have the Transgender CNIC

MOHR are raising awareness among the grass root level transgender community through our National Implementation committee.

COVID 19 and online meetings

In the current crisis situation, MOHR team under the leadership of Madam Secretary, conducted online meetings with UNDP team and National committee members to support the Transgender Community.

1. Assistance to MoHR support centres for transgender persons in Islamabad and Rawalpindi:

- a. UNDP welcomes MOHR's recommendation to provide support for TG run community based centres in Rawalpindi and Islamabad which UNDP has already identified. These include Wajood TG Centre in Rawalpindi run by Ms. Bubbli Malik, Punjab Focal Point MoHR National Committee on Implementation of TG Act 2018, and Bari imam TG Centre run by Nadeem Kashish, ICT Focal Point National Implementation Committee of TG Act 2018.
- b. UNDP will provide technical assistance as suggested by MoHR, in integrating a secret/specific code into the existing MoHR helpline number which connects the caller to specific service provision on GBV referral queries received from transgender persons, women and girls. UNDP will discuss the scope of this technical assistance with UNFPA and revert to MoHR.
- c. It has been agreed between UNDP and MoHR that this will form the framework for SOPs on confidentiality, privacy and expeditious response to helpline. UNDP will explore this further with UNFPA and also discuss possibility of provision of salary/expenses of one staff member/call operator and related training expense.
- d. The set-up of a referral mechanism is also agreed as above and will also be further explored in discussions with UNFPA and MoHR.
- e. MoHR and UNDP have formally agreed on the establishment of the Technical Working Group (TWG). Aisha Mughal has been nominated from MoHR, while Salman Asif and Irum Ali will be representing UNDP.

2. Evidence based support and in kind assistance to transgender communities living in Islamabad and Rawalpindi

- a. UNDP and MoHR have agreed that this assessment is essential and should be piloted in the twin cities of Islamabad and Rawalpindi. UNDP has already identified civil society partners (as above) who will be the focal points in Rawalpindi and Islamabad to conduct the assessment. Ms. Nayyab Ali will coordinate the assessment while Aisha Mughal from MoHR along with the relevant UNDP team members will oversee the process. UNDP is in the process of drafting TORs and tools of this assessment which will be shared early next week for input and finalisation.
- b. MoHR agrees on the provision of immediate relief assistance to TG communities in Islamabad and Rawalpindi as proposed by UNDP.

3. Way Forward/Next Steps

- a. UNDP will develop tools of socio-economic impact assessment and share with MoHR for feedback and input by 15 April 2020
- b. UNDP will discuss possibility of additional resources for strengthening helpline and other support outlined above with UNFPA (and other donors if possible). This includes financial support for the MoHR transgender centre in terms of rent and staff costs for a period of 06-08 months. UNDP will get back to MoHR by 15 April 2020
- c. MoHR will share proposed budget of financial support required for the above mentioned transgender centre by 13 April 2020.

Members of the MOHR's National Implementation Committee, supporting the Transgender community



Ms Bindya Rana, Member of the MOHR's committee from Sindh is distributing Rashan among the Transgender community in this lockdown



Ms Bubbli Malik, Member of the MOHR's committee from Punjab and Mr Methla (member of the MOHR's Committee from social welfare department) is distributing Rashan among the Transgender community in this lockdown

Besides this Aisha Mughal, Transgender Rights Expert of MOHR, with the support of MOHR colleagues and activists has been providing funds and Rashaan support to the transgender community across the country.



