

**PROTECTION OF TRANSGENDER COMMUNITY UNDER
INTERNATIONAL HUMAN RIGHTS REGIME: A CASE STUDY OF
PAKISTAN**



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DEDICATION

Dedicated to those hands which are behind my every success, my wife and my beloved parents who have stood by me every step of the way.

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Thank you.

Acronyms

AIDS	Acquired Immune Deficiency Syndrome
AJK	Azad and Jammu Kashmir
CSO	Civil Society Organization
FGDs	Focus group discussions
HIV	Human Immunodeficiency Virus
HRC	Human Rights Council
HRC	Human Rights Committee
HRW	Human Rights Watch
ICESCR	International Covenant for Economic, Social, and Cultural Rights
ICT	Islamabad Capital Territory
ID	Identification Card
IGOs	Intergovernmental Organizations
KPK	Khyber Pakhtunkhwa
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer+
NGO	Non-governmental Organization
NIC	National Identity Card
OHCHR	Office of the United Nations High Commissioner for Human Rights

SGBV Sexual and Gender-Based Violence

Trans Transgender

UDHR The Universal Declaration of Human Rights

UN The United Nations

UNAID The joint United Nations Programme on HIV/AIDS

UNHRC The United Nations Human Rights Council

USAID United States Agency for International Development

Abstract

The World War II victors established a global network of international institutions devoted to the protection of human rights worldwide. A liberal institutionalism perspective supports and promotes all initiatives aimed at advancing transgender rights in a liberal and democratic realm for promoting human rights globally. Whereas social pressure seeks to discourage the government's prospects for supporting the transgender community, Pakistan is a country that aims to provide proper protection to the transgender community. This study intends to offer a discussion of the social condition of the transgender community in Pakistan as well as the significant role of international institutions in influencing the state for the protection and promotion of this community. This research also discusses the reluctance of the state toward the transgender community, which is more deleterious to this community. International human rights regimes based on liberal institutionalism constantly push nations to support efforts to achieve developmental goals for these individuals to maintain peace in the democratic order. Pakistan hopes to gain the support of the transgender community after passing the transgender person's bill in 2018. This study intends to present data that can provide a path for society to comprehend the sensitiveness and seriousness of transgender people after interviewing various transgender individuals around the country.

Keywords: *International Human Rights Regime, Transgender, Pakistan, International Institutions*

CHAPTER 1: INTRODCION

In the aftermath of World War II, the victor nations decided to protect human rights for all people, regardless of their color, nationality, gender, religion, or ethnicity. With the passage of time, international institutions are playing an active role in supporting and promoting democratic values around the globe. With the relevance of democratic order, human rights are always considered a primary actor in the process of the democratic development and maintenance of the liberal world order. For this purpose, international institutions and their acting bodies are working on the promotion and protection of human rights, including transgender rights, around the world. In countries like Pakistan, there is a need to educate society about the sensitiveness of transgender issues and the ongoing discrimination that they suffer because of the negligence of the government and the extreme social environment.

To some extent, the government works with different positive steps in the protection and promotion of this community, but the extreme societal glitches that influence the government for doing so and the politically not giving human rights priorities to the transgender community always highlight the marginalization growth in society against this community. There has been a gap between the government and the public for ensuring the promotion of this community because there is less awareness about the issues facing it, and government offices feel reluctant to take a strong step to support the community. The international human rights regime, especially the United Nations, is working to protect marginalized communities around the world, including transgender communities and countries like Pakistan, where societal violence and discrimination always remain challenging in the way of their right struggle.

For covering the interaction between the role of the Pakistani government, the transgender community of Pakistan, and the role of international institutions that are considered as agents for the protection and promotion of transgender communities around the world, this research is aimed at finding the real challenges that are coming in the way of the determination of international institutions and the government of Pakistan. Since many decades, the transgender community of Pakistan has been struggling for their basic rights, including their gender identity recognition, their healthcare solutions, solving educational problems, job employment quota system solutions, and many others linked to their daily life routine.

Although these problems have solutions in the Constitution of Pakistan of 1973, Article 25 basically highlights the balance of treatment for every gender of the population in terms of providing their basic rights¹. There should not be any marginalization or discrimination against any citizen of Pakistan, regardless of their gender representation. Article 26 is also advocating for transgender rights in the country, expressing that there will be no discrimination against any gender and that treatment will be on an equal basis. The constitution of Pakistan is the primary source that can be useful for the protection and promotion of the transgender community in terms of legal involvement, but the governments feel reluctance in terms of the extreme public sentiments against the community, which highlights more of the issues faced by this community.

Along with these issues, the Pakistani government is still in a position to protect and promote transgender rights in the country. As it has been seen, the government of Pakistan passed the Transgender Person Act in 2018, where legal recognition is given to the transgender community as a third gender, which was the primary desire of every transgender individual in the country. Recognition means that a way was provided to them to avail their healthcare facilities, educational

¹ “Institute of Social and Policy Sciences (I-SAPS),” accessed December 25, 2023, <http://i-saps.org/article25A>.

opportunities, driving licenses, and passport relating facilities, along with other genders in the country. Some promises were also made in the form of agreements that Pakistan would work to provide transgender individuals with a proper and equal status to live in the country.

Pakistan aimed to protect and promote transgender individuals, and a few steps were also taken in the way of providing scholarship opportunities to the community, enhancing the job quota system for transgender individuals, and, while acknowledging their abilities, home-based workshops and internships were also started to encourage them for a better and equal living standard along with other genders. All these steps encouraged the transgender community, but the negligence was seen in the mindset of people towards the individuals of the marginalized community. The government seems reluctant to provide public awareness of the sensitiveness of transgender individuals. It should be dealt with accordingly to meet some positive targets regarding those individuals who were mistreated in the past.

Background

To understand transgender privileges in Pakistan there is a need to first plumb the depths of everyday life. People defined as transgender are those who differ from their birth sex in their orientation, personality characteristics, expression or actions. It exists through differences in real qualities, hairstyles and clothes, voice intonation styles and communication patterns. Nonetheless, whether a person can be regarded as transgender is highly subjective and depends on people and networks. The community of transgender people in Pakistan faces ingrained intolerance. They are often targets for violence, one of society's most despised groups². They have various names--

² "The Struggle of Trans and Gender-Diverse Persons," OHCHR, accessed June 12, 2023, <https://www.ohchr.org/en/special-procedures/ie-sexual-orientation-and-gender-identity/struggle-trans-and-gender-diverse-persons>.

Khawaja Sirras, Khusras or Kothis. The one often used to be Hijra but theirs are more likely to be euphemistic than their own choice of name which they rarely use openly and unreservedly because it easily becomes a target for mockery and belittlement in mainstream society.

Before British colonial control transgender people were indeed a significant presence in South Asian societies, not only including the regions now comprising Pakistan. In the days of the Mughal Empire's rule, they related to attention and respect, as well as money. They had a high place as entertainers, artists and performers in royal courts and ceremonies. However, with the coming of British colonists their status and recognition were clearly set back. Overloaded with restrictions promulgated by the British Administration that were designed to ostracize same-sex relations, this constituted a heavy weight on transgender people in encouraging their stigmatization and marginalization. Adding such rules as Article 377 of the Indian Penal Code in 1862 was a life changing experience³.

The third orientation was explicitly mentioned in this section, calling for reformatory measures such as detentions and penalties to prevent homosexuality and protect the British soldiery. But at the same time, Article 294 prohibited more ways of performing such as public singing and various wild forms of protesting--really driving deeper the legal status for transgender people's isolation in a truly social sense. It is this legal restriction which provided the basis for their publicly announced underestimate. Thus, the government of newly independent Pakistan continued to strengthen discriminations against transgender people and enacted several draconian laws originally rooted in British colonialism.

³ "377: The British Colonial Law That Left an Anti-LGBTQ Legacy in Asia," *BBC News*, June 28, 2021, sec. Asia, <https://www.bbc.com/news/world-asia-57606847>.

Thus, in place of Islam teachings the transgender community had a negative image created for them by representatives from South Asian Muslim societies who respected divergent orientations towards sex following independence. But the rules imposed by British control were a serious setback for pre-colonial Muslim society and tended toward cultural division, with violent acts against transgender. Some laws were passed that made being transgender illegal and produced social prejudice. As a result, bullying was everywhere--whether in public or private places with many people being harassed and abused by officials on higher ladders of power. Seeking a legal solution within police stations only worsened the situation. In this climate, many transsexuals see such places as facilities of torture rather than help and equity, where they are silenced or pardoned. Thus, getting identification documents recognized in terms of gender has proven difficult. This is why ID cards are very difficult to be recognized as third gender⁴.

In 1923, German specialist Magnus Hirschfeld presented the term 'trans' in an article he distributed named *The Intersexual Constitution*. While neither trans nor transsexual have become widely recognized terms among common speakers, like their hybrid companion, all three are readily understandable to those of us who aren't quite so big on spelling quizzes⁵. There was an important second turning point on June 28th, 1969, in that developing story when a gay club serving the Stonewall Area of New York City came under attack from police. The six-day struggle that broke out at Stall Motel, where the strike happened, marked a watershed. It pushed transsexual people into a more widespread consciousness of struggles being waged by different sections of the local

⁴ Amna Rashid and Umar Rashid, "Constitutional and Legal Guarantees for Transgender in Pakistan: Reforms and Failures in Law," in *Towards Gender Equality in Law: An Analysis of State Failures from a Global Perspective*, ed. Gizem Guney, David Davies, and Po-Han Lee (Cham: Springer International Publishing, 2022), 79–110, https://doi.org/10.1007/978-3-030-98072-6_5.

⁵ Ralf Dose, *Magnus Hirschfeld: the origins of the gay liberation movement* (New York: Monthly Review Press, 2014).

community as well. If the objective of that original attack was aimed squarely at homosexuals, its influence has resonated far beyond the confines of gay people.

Trans are prominently featured under this umbrella as part and parcel of LGBTIQ+ life. Yet, regardless of whether factors include things like sexual direction or gender identity and encompass variables such as race, variety, ethnicity, or religion, the system established in liberal tenets, including majority rule government and individual rights, has had a tremendous impact on supporting freedoms for all⁶. This debt to liberal virtues thus compels international organizations such as the United Nations, which advocate for human rights of all sorts (cross-dressers included), not only among nations but also guest countries like Pakistan. The assembled Countries have been able to persuade part-states, among them Pakistan has agreed that they need to take measures for the safeguarding and promoting of all LGBTIQ+ people's rights, ground move transsexual persons particularly. Many of the worldwide declarations, agreements and statements that have been carefully developed in every case with a view to protecting everyone's rights explicitly forbid discrimination, abuse or oppression on any grounds whatsoever-including gender.

The basic principle of protecting freedoms, all things considered is included in several key primary records such as the Universal Declaration on Human Rights (1948), Worldwide Convention on Civil and Political Privileges (1966) International Covenant for Economic, Social and Cultural rights (1967). For transsexual people too everything being equal. These instruments on a worldwide scale point out that there is an obligation to provide equal freedoms and assurances for all human beings, irrespective of their gender. The Common Freedoms Chambers and the Office of the Great Magistrate for Basic Liberties at the United Nations have developed a range of tools

⁶ “Stonewall Inn – NYC LGBT Historic Sites Project,” accessed June 12, 2023, <https://www.nyclgbtsites.org/site/stonewall-inn-christopher-park/>.

to monitor and remedy violations of common freedoms all over⁷. These substances use part states to create reports and goals aimed at establishing common liberties policies and conventions in accordance with already-implemented international standards.

Simultaneously, non-legislative associations (NGOs), such as the International Lesbian and Gay Association, have longtime connections with government officials or work on community education to raise awareness about transsexual people's plight. Their work is altogether basic to making the stories accepted by world organizations fuller and richer. In Pakistan, despite being a member of these international settlements with global standards as touchstones for legal performance in the country to protect transsexual rights, due to cultural opinions, there are still great difficulties.

There are many transsexuals in South Asia, including Pakistan, who are widely segregated, brutalized, and excluded from society. Lacking state-sponsored educational strategies and hampered by cultural attitudes, the government's attempts to promote transgender rights have not yet made much headway. Later, this turned out to be a significant milestone in their fight for equality when the High Court of Pakistan recognized and affirmed transsexuals as belonging 'to the third sex' in 2009. But it was only in 2018 that the Transgender Persons (Protection of Rights) Act came into effect.

It accorded transgenders legal status as a third gender, according to the United Nations definition⁸. Despite these achievements, transgender people still face many problems, such as isolation and violence. While there are some improvements, cases involving discrimination and harassment,

⁷ “International-Human-Rights-Law.Pdf,” accessed June 12, 2023, <https://www.unfe.org/wp-content/uploads/2017/05/International-Human-Rights-Law.pdf>.

⁸ “1526547582_234.Pdf,” accessed December 25, 2023, https://na.gov.pk/uploads/documents/1526547582_234.pdf.

health problems, educational barriers, and low awareness levels among Pakistan's public have not disappeared. Despite great progress made by transsexual people in Pakistan, their struggle to fight for rights and acceptance is hampered mightily by social stigma. It's not about one day; the struggle for rights in the minds of transgender individuals is deeply rooted in the extreme mindset of the public, for their sentiments are supportive of those individuals around the country.

Research Gap/Rationale

What makes its literature unique is the way in which transgender rights are safeguarded under the international human rights regime. This is an emerging field of study that deals with human rights issues. The problems of the transgender community in Pakistan, which must contend with societal violence and the government's indifference, are well detailed in many publications on this matter. But very few pieces of academic writing have been published on this country's transgender group to determine whether they ever enjoyed these stipulations supposedly guaranteed by the International Human Rights Regime that would protect them against violence.

Some other works have considered the legal and policy frameworks as a realm of conceptualizing this problem on a wider basis. This present research will focus especially on the difficulties and bottlenecks encountered by different participants, including the government; also, items of discussion would include capacities at intermediary institutions on the one hand to change social norms that are conducive to violence against transgenders in Pakistan. Under the international human rights regime, these mechanisms and capacities will be scrutinized.

Theoretical Gap

Prior literature on how to apply the theory of institutional liberalism to promoting democratic order within states had largely overlooked its application in terms of transgender rights. Institutional liberalism, an important feature of global governance, previously focused on the need for democratic development across the globe. Its activities are chiefly designed to foster democratic culture, but it also advocates human rights, such as the inalienable rights of every person regardless of gender identity. However, there has been scarce academic interest in the characterization of transgender rights with institutional liberalism theory. This research fills the gap in this regard by examining how institutional liberalism theory can affect a paradigm shift those changes social norms and entrenches notions of transgender community members as outlaws. The purpose of this study is to expose the hidden potential present in these models for reshaping social attitudes toward transgender rights. The goal is to explore how the institutional architecture and normative vision underlying liberalism can provide transgender people in Pakistan with a place within society. In this integrative effort, the research seeks to provide a more refined understanding of how these theories can be applied jointly in ways that have a transformational impact on societal patterns and values.

Contextual gap/Analysis

Many writings have been written about the problems of transgender people in Pakistan. But in the field of international relations, there is not much attention given to this topic. Although international institutions have drawn a line under human rights supposed to apply to all individuals, including transgender persons, there has been little examination of the relationship between these problems and that of Pakistan's Transgender community in arriving at an internationally

recognized standard. This study tries to fill in this gap by exploring the multilayered relationship between domestic difficulties, societal attitudes, and international human rights. The research will help to reveal new insights and contextual holes that highlight the problems or dichotomies in guaranteeing transgender rights compared with international standards, as well as suggest some advice on how best to provide legal protection for such persons. In this way, the research endeavors to provide more sophisticated views that illuminate such difficulties, dilemmas, and choices for moving closer towards alignment between domestic realities in relation to sexual orientation issues and international commitments regarding human rights as it relates to what goes on within the transgender community.

Methodological Gap

The current research on transgender individuals in Pakistan has overall, been constructed from individual case research, qualitative studies, and some quantitative analyses. But there can be significant impairment in a comprehensive combined-strategies approach which would provide thorough comprehension of all the challenges that this community faces. In order to fully understand the complex nature of abuse and prejudice against transgender individuals in Pakistani society, an interdisciplinary study approach that combines qualitative and quantitative research methods is needed. Although quantitative evaluation provides statistical insights and broader trends that enhance the findings of qualitative probes, qualitative studies offer bright narratives of individual experiences. Therefore, this study utilized a blended-strategies approach in an attempt to determine the root causes of bias and assault against transgender people as well as to the specific problems. This comprehensive technique is meant to compensate for any gaps in the available data

and provide a thorough picture of how difficult it may be for a transgender person to negotiate life, societal stigma, and labor market disadvantage.

Statement of the Problem

The statement of the problem focuses on one of the major issues confronting the transgender particular group. Reading between the lines in today's reality reveals that, while international human rights responsibilities aimed to protect transgender persons are incorporated and intended as part of a domestic legal framework, they aren't adequately implemented locally. This is precisely why social norms and folk beliefs that impede growth have made it hard for the government to defend transgender people's safety and human rights. Recognizing the challenging circumstances this community faces and implementing supportive policies that comply to international norms are crucial for addressing this issue. This means that in Pakistani society, new social norms that support acceptance and consideration for the transgender community must be developed.

Research Questions

1. How significantly are societal factors intertwined with the challenges faced by the transgender community in Pakistan when striving to access their rights?
2. How does the influence of international human rights regime on transgender rights impacts the protection and promotion of transgender rights in Pakistan?
3. What are the key challenges and barriers to the implementation and enforcement of existing legal and policy frameworks aimed at protecting transgender rights by the Pakistani government through the lens of the international human rights regime?

Objectives

1. To interrogate about the marginalization of the transgender community in Pakistan and societal violence is the main reason for this marginalization in the adoption of liberal standards of the international human rights regime.
2. To explore socio-cultural factors that influence the Pakistani government in creating barriers and challenges for the implementation and enforcement of development changes for the transgender community following international norms for human rights in the country.

Significance of the Study

This look makes a big contribution to the present literature by inspecting the protection of transgender rights in Pakistan. It fills a gap in the current study panorama by means of analyzing how the international human rights regime and the theoretical foundations of institutional liberalism affect the protection of transgender people. The implications of these findings are ways to attain them, which include human rights advocacy, policy components, empowerment of

marginalized groups, enhancement of the international human rights regime, and a higher expertise in gender, human rights, and institutional liberalism. This study presents valuable insights that can inform focused interventions and rules geared toward maintaining transgender rights, promoting inclusivity, and advancing social justice in Pakistani society.

CHAPTER 2: LITERATURE REVIEW

The literature evaluation examines the characteristics of world human rights contraptions in relation to transgender rights in Pakistan. This literature not only gives an analysis of the efforts of international institutions in advocating transgender rights for the sake of the international human rights regime but also addresses key challenges that the transgender community of Pakistan is facing while living in the country. Transgender rights are difficult to understand in Pakistan, where sometimes the government and its agencies encourage individuals for their struggles and other societal actors influence government bodies against these developmental goals. In 2009, the Pakistani Supreme Court initiated a development step toward the recognition of the transgender community, which was recently officially recognized in 2018⁹.

The societal norms, lack of communication, and lack of awareness of the sensitivity of transgender challenges have made this area more complicated. In this context, a lot of NGOs are working to support the international narrative of global institutions for protecting and promoting transgender individuals, but still, society shows some negative attitudes towards the development of this community. This literature illuminates the advocacy of the international human rights regime with respect to the transgender community in Pakistan, where some social issues are also discussed that lead society towards the marginalization of the transgender community.

Legal and Policy Landscape in Pakistan Pertaining to Transgender Rights

In addition to providing significant insights that are pertinent to transgender rights within Pakistan's criminal justice system, the book "Governing Thirdness: state society and non-binary

⁹ "Pakistan-Transgender-Advocacy-Analysis-Brief-2020-ENG.Pdf," accessed December 25, 2023, <https://www.icj.org/wp-content/uploads/2020/03/Pakistan-Transgender-Advocacy-Analysis-brief-2020-ENG.pdf>.

identities in Pakistan, provides an overall picture of the current situation with respect to criminal justice law and media treatment for people outside the binary. Artists attempt to untangle complex relationships between non-binary identities and the implementation of regulatory structures in Pakistan's criminal justice system. It describes the difficult things facing people who are non-binary, illuminating all the limitations and dangers that endanger their personal security and reputation while behind bars. The book also analyzes the criminal justice system and policy environment, as well as explaining for us which law terms affect transgendered peoples right in Pakistan either directly or indirectly. It examines some important criminal cases, court rulings and government policies which are relevant to transgender concerns. There is also a critical analysis of the effectiveness and inadequacies of criminal laws protecting transgender rights through an intensive examination into the Transgender Persons (Protection for Rights) Act 2018, as well as future legislation¹⁰.

Human Rights, Sexual Orientation and Gender Identity In the overall context of human rights issues this book explores various facets of sexual orientation within jail environments. Because it contains an in-depth exploration of international legal frameworks and policy initiatives that protect the rights of people with assorted gender identities and sexual orientations. Therefore: It is quite relevant to "The 'Legal and Policy Landscape in Pakistan Pertaining to Transgender Rights'". This book reviews the global human rights framework, covering the main agreements and court decisions as well as treaties that specifically concern LGBTIQ people's or transgender peoples' rights. It looks at how the criminal justice system is changing itself, particularly with regard to gender identity and reputation; non-discrimination in accessing healthcare, education, career opportunities on a global scale. Such readings are to find the issues in the criminal system of

¹⁰ Muhammad Azfar Nisar, *Governing Thirdness: State, Society, and Non-Binary Identities in Pakistan* (Cambridge: Cambridge University Press, 2022), <https://doi.org/10.1017/9781009030045>.

Pakistan by evaluating the legalities in Pakistani criminal law. In addition, this book is a mixture of case studies and a compilation of a set of jurisdictions applying to the importance of the transgender community in Pakistan. It discusses the important but controversial court ruling regarding the sensitiveness of transgender issues in the country. This book also highlights the extensive set of analyses regarding transgender individuals facing criminal charges in jails and their routine lives, the behavior of jail staff with them, and the jail rights of the community. The discussion in this book also highlights the positive aspects of other countries jailing systems and their way of providing rights to transgender individuals facing criminal charges, and this part is also crucial to understand the ongoing techniques used by other countries with supportive measures for the transgender community and the role of Pakistan. The book is more relevant to guide the practitioners of the criminal setup and the advocates of the human rights forum for supporting and promoting transgender rights; this book provides them with a roadmap to follow the necessary actions to be taken by following modern liberal countries supporting international institutions with their best abilities. In Pakistan, human rights for all gender identities, including transgender individuals, can be understood through this literature for having a better opportunity for the whole transgender community in the country¹¹.

There is another aspect in this discussion which is expressing the positive side of government sharing some positive work that has implemented in Pakistan. Pakistan has introduced protection bill in its assembly for protection and promotion of transgender community in the country. Pakistan's supreme court has been in support of Transgender rights but social marginalization is not eliminated. The marginalization comes through the societal violence and the toxic behavior

¹¹ "Human Rights, Sexual Orientation, and Gender Identity," Routledge & CRC Press, accessed December 25, 2023, <https://www.routledge.com/Human-Rights-Sexual-Orientation-and-Gender-Identity/Hellum/p/book/9780367028985>.

from the society that influences the mindset of almost every individual and group working in both public and private sectors. But government is not only focused in the seriousness of this sensitive issue but also working on the legal grounds to protect this community. Despite of all efforts the seriousness comes to an end when the government officials themselves don't respect the government orders and ethical respects towards this marginalized community. Orders of Supreme court are not implemented properly either in government offices, while police had been involved in different raids against Transgender community after the court decision in 2009. Although Pakistani Transgender community enjoy much privileges and freedoms than other countries which are mostly supported by Pakistan's supreme court¹².

With the understanding of this study, another piece of literature came to light: the book 'Rescuing Human Rights', where this book shared information to analyze the judicial system of Pakistan with regard to transgender people in the country. The book appraises the development and current state of international human rights regime, as well as its advantages, disadvantages, and strengths. Looking at how well criminals can enjoy their fundamental rights under current criminal laws, international accords and global organizations leads to questioning. The problems and obstacles that Pakistan's jail system, as well as the transgender rights coverage landscape presents to individuals in actual need of it are defly demonstrated through an examination of what goes on when one uses the global human rights instrument.

Finally, the book Rescuing Human Rights offers a human rights structure that is wider-ranging and more complete than Western political conceptions of the equation between individual goodwill and rightful proportion; it operates as well in many ways to protect disadvantaged groups. This

¹² Brian Kritz, "Direct and Structural Violence against Transgender Populations: A Comparative Legal Study," *Florida Journal of International Law* 31, no. 2 (February 25, 2021), <https://scholarship.law.ufl.edu/fjil/vol31/iss2/2>.

point of view is recurrently used in the book to show that laws and policies need a framework which considers transgender people's rights within an overall human rights standard. A detailed assessment of the global human rights framework and its limits is necessary in carefully scrutinizing Pakistan's criminal landscape as well as coverage. But its basic contribution to the conversation about human rights frameworks is an integral part of the coverage environment. In this respect, *Rescuing Human Rights* actively seeks out and offers a critical perspective on legal environments which prompts reassessment. Indirectly, it suggests and influences transgender rights initiatives in Pakistani prisons and policy¹³.

Societal Attitudes, Challenges, and Advocacy Efforts for Transgender Rights

This is by no means only a question that should be part of Vanja Hamzić's work *Sexual and Gender Diversity in the Muslim World*. As questions, it ought to immediately come into play when talking about Societal Attitudes, Challenges and Advocacy Efforts for Transgender Rights in Pakistan as well since it offers an extremely thorough indictment against the book looks at how society views people who fail to fit in, like transgenders. In addition, it also examines cultural, religious, and social norms which influence such opinions on sexuality and gender diversity. This analysis is especially illuminating for understanding the difficulties faced by transgender people in Pakistan. Also, this book explores some of the difficulties sexual and gender minorities come up against--discrimination, for example, marginalization.

Therefore, by comparing Islamic majority contexts we can get a sense of what the real issues facing transgender people in Pakistani society specifically. Also, several methods have been devised to fight against such norms which tend toward inclusiveness and a hospitable spirit. Some of these

¹³ Hurst Hannum, *Rescuing Human Rights: A Radically Moderate Approach* (Cambridge: Cambridge University Press, 2019), <https://doi.org/10.1017/9781108277730>.

successful strategies from other Muslim-majority societies are pointed out that could be implemented in Pakistani society. In sum, *Sexual and Gender Diversity in the Muslim World* is a good reference book on trans issues in Pakistani society. Even though its entry point is Pakistan, it also provides important insights into the wider Muslim world context that adds an interesting comparative perspective to debates on perceptions of society and advocacy efforts therein-lending greater depth, along with a more localized perception¹⁴.

Different authors have written on Pakistan expressing good initiatives of local and national government of Pakistan. Some reports are also mentioned to express the role of government in Pakistan. Imran Alam a Pakistani author has discussed the landmark achievement of Pakistan's supreme court in 2009 and Pakistan's protection bill of 2018 for transgender community. But it also suggests that more attention is needed in terms of education deliverance of education and healthcare facilities while he also suggests government to dismantle discriminatory actions in various sectors¹⁵. In the latest report published by Human Rights Watch in April, 2023 it is mentioned that the Sindh Government is taking some developmental steps towards protection of Transgender community. It includes ordering police to stop harassing and arresting Transgender community, by reserving seats for this community in local councils, and extending BISP (Benazir Income Support Program) to Transgender people¹⁶.

In this regard, Adnan Hussain, Clare Pamment, and Jeff Roy wrote "*Badhaai: Hijra-Khwaja Sira-Trans Performances Across Borders in South Asia*," which is a valuable reference. The book

¹⁴ bloomsbury.com, "Sexual and Gender Diversity in the Muslim World," Bloomsbury, accessed December 25, 2023, <https://www.bloomsbury.com/uk/sexual-and-gender-diversity-in-the-muslim-world-9781788315081/>.

¹⁵ Imran Alam, "Issues and Management of Transgender Community in Pakistan: A Case Study of Lahore," *Pakistan Social Sciences Review* 3, no. II (December 31, 2019): 761–70, [https://doi.org/10.35484/pssr.2019\(3-2\)58](https://doi.org/10.35484/pssr.2019(3-2)58).

¹⁶ "Pakistan's Sindh Province Backs Transgender Rights," *Human Rights Watch* (blog), April 25, 2023, <https://www.hrw.org/news/2023/04/25/pakistans-sindh-province-backs-transgender-rights>.

focuses on the cultural and social issues which influence transgender communities in South Asia, adding much-needed perspective. It examines the daunting obstacles of social isolation and discrimination confronting the Hijras (transvestites) and Khwaja Saras (crossdressers). Also, the book can show us something about historical and practical advocacy in our midst. It demonstrates how transgender groups have been acting and standing tall for a long time. This insight is crucial in the broader sense of transgender rights¹⁷.

Role of International Human Rights Instruments and Transnational Advocacy in Pakistan

Gráinne de Búrca's book, *Reframing Human Rights in a Turbulent Era*, examines the vast challenges faced by human rights organizations today around the world and within Pakistan. Criticism and skepticism though it has provoked, the book offers another perspective. Human rights aren't dead ends: they are still relevant today in the face of political authoritarianism. The book points out that human rights principles are those based on the values of human dignity, welfare, and freedom because they represent a universal moral framework that is applicable in all societies. Pakistan is no exception to this rule. The book describes through three case studies how the human rights movement can lead to a change for the better in society. The book also stresses the international consensus reached by states about basic principles contained in instruments of human rights. Among other things, this includes Pakistan.

But this recognition also highlights that human rights principles have achieved a greater level of acceptance and legitimacy, which would provide the basis for applying them within national

¹⁷ bloomsbury.com, "Badhai," Bloomsbury, accessed December 25, 2023, <https://www.bloomsbury.com/us/badhai-9781350174559/>.

contexts. Furthermore, the book points out that human rights law and practice is an ongoing process. The situation in Pakistan illustrates this clearly. It explains that human rights are not fixed concepts but develop in response to the active participation of people themselves. This interaction with domestic and international institutions is helping to define what human rights are in the Pakistani socio-legal landscape¹⁸.

Various scholarly works and reports have been published, indicating negligence and a lack of responsibility on the part of various Pakistani government. Abdullah Khalid has critically assessed Pakistan's protection bill, which was approved in 2018, as well as the economic realities of the transgender population and the government's lack of concern. The lack of education, lack of understanding of legal rights, healthcare concerns, and other difficulties derive from society's ignorance of this group of people. He has mentioned that the government of Pakistan is unable to implement any advantageous steps on an adequate basis to confront obstacles to the country's transgender community. According to the Aurat Foundation, transgender people in Pakistan are always discriminated against in the legal process, often by low-level officials in police stations.

The transgender community is not fully aware of their rights, and they feel fear and hesitation about reporting violence against them. Only Gurus and those influential transgender people help them report because they have a rapport with the police officials. A common response that is given by officials to transgender people is that men and women are unable to get justice, so how can you get justice¹⁹? In the same context, it is very difficult to understand the freedom of the transgender community because the Islamic Republic of Pakistan doesn't grant them full legal freedom. They

¹⁸ Gráinne de Búrca, *Reframing Human Rights in a Turbulent Era*, Collected Courses of the Academy of European Law (Oxford, New York: Oxford University Press, 2021).

¹⁹ "Transgender Community in Pakistan.Pdf," accessed June 5, 2023, <https://af.org.pk/gep/images/GEP%20Gender%20Studies/Transgender%20Community%20in%20Pakistan.pdf>.

can't marry each other because it is considered same-sex marriage, which is not recognized (technically there is no law that forbids people to do same sex marriages but in case of doing this thing punishment will be charged against such party which can lead to sodomy – life imprisonment²⁰) in Pakistan. Along with these issues, the transgender community is having job issues; they can't get jobs easily as she has two master's degrees. As reported in the example of Riffie Khan, who can't get a job because of her sexual orientation, she had a job as a front desk officer in the National Medical Centre, Karachi, but she had to leave that job because of her sexual orientation²¹.

The book titled "Transnational Human Rights Litigation: Law professor Andrew Novak's Charging the Death Penalty and Criminalization of Homosexuality in the Commonwealth carefully analyzes human rights litigation as a strategic factor behind transnational constitutional norm development. The book is about the process of abolishing capital punishment and decriminalizing homosexuality, but it also describes in detail from inside out how transnational human rights organizations use the system to promote their ends via international law through local collaborators²².

The dynamic exchange of human rights jurisprudence among judges across different legal systems is another focal point in this book. Previous studies have mainly looked at international and foreign citations in judicial opinions, but this study emphasizes the activist role of legal advocates. It

²⁰ "LGBT Rights in Pakistan," Equaldex, accessed June 5, 2023, <https://www.equaldex.com/region/pakistan>.

²¹ "A TRANS BY BIRTH: LIFE OF A TRANSGENDER PERSON IN PAKISTAN," *University College Lahore Human Rights Review* (blog), July 11, 2017, <https://humanrightsreviewpakistan.wordpress.com/a-trans-by-birth-life-of-a-transgender-person-in-pakistan/>.

²² Andrew Novak, "Introduction," in *Transnational Human Rights Litigation: Challenging the Death Penalty and Criminalization of Homosexuality in the Commonwealth*, ed. Andrew Novak, *Ius Gentium: Comparative Perspectives on Law and Justice* (Cham: Springer International Publishing, 2020), 1–10, https://doi.org/10.1007/978-3-030-28546-3_1.

pinpoints how these advocates very cleverly make use of international and foreign legal standards in their arguments or campaigns to promote specific human rights agendas. Using networked coalitions and alliances of legal advocates, they find their way through postcolonial legal systems. They pass on different kinds of strategies-both domestic and comparative doctrines that tend to use the commonalities between constitutional frameworks in each country. However, the book provides useful perspectives on transgender protection under the global human rights regime and its applicability in Pakistan. The book highlights the tactical use of transnational legal structures, and international human rights instruments' effect on domestic arena. Plus, it illuminates complex relationships between international and domestic legal systems.

It offers a model for how transnational advocacy and legal strategies might influence the rights of vulnerable communities-including the transgender community in Pakistan. By reference to telling instances such as the death penalty and same sex relations, it describes in great detail human rights lawyers' complex transnational networks. It outlines their experience in pursuing constitutional litigation before both domestic and supranational tribunals, seeking to transplant international human rights standards into local soil. An example is domestic human rights litigation. It stimulates international norms for the protection of human right to change and refine their content in response to changes in practice at the state level. The use of international and foreign legal citations becomes a powerful weapon for transnational human rights promoters, leading to reforms in the law and changing the direction taken by norms regarding man.

Theoretical Framework

Liberal institutionalism is a theoretical construct that has important influence on how states treat transgender rights in the context of human rights. This theory is a roadmap for all the liberal institutions and all the countries supporting too liberal democracies for human rights developments

in their respective countries. Liberal institutionalism not only provides some key relations with institutions and states, but it also influences and encourages states to do so for the development of human rights. In the contemporary world, transgender rights are considered an important subject in international human rights regimes. This theory not only illuminates the complex relations between international institutions and states, but it also has a positive impact on societies by setting some positive norms in the development of human rights, including transgender community rights. Many developed countries are in favor of the promotion and protection of liberal values, and those liberal values are primarily focused on supporting transgender rights in their respective societies. Pakistan is also moving in the direction of supporting transgender rights in the country, but there are certain challenges that are always dealt with in the understanding of this theory of liberal institutionalism²³.

The theory of liberal institutionalism advocates for human rights in the whole world by utilizing agreements signed by different countries. Pakistan has also signed several international treaties in support of human rights norms. After the establishment of the United Nations, a treaty was signed among states to support the common narrative of all states for the protection and promotion of human rights, including transgender rights, and that treaty was the 1948 Universal Declaration of Human Rights, which motivated its member states to support all gender identities for human rights. A later International Covenant on Civil and Political Rights agreement was also signed, where the major purpose of the treaty was to ensure the safety of all gender identities in the whole world.

²³ Rebecca Devitt, "Liberal Institutionalism: An Alternative IR Theory or Just Maintaining the Status Quo?," *E-International Relations* (blog), September 1, 2011, <https://www.e-ir.info/2011/09/01/liberal-institutionalism-an-alternative-ir-theory-or-just-maintaining-the-status-quo/>.

The establishment of those agreements was an achievement, and liberal institutionalism encourages all states to follow the international human rights regime for the betterment of all humans throughout the world. By linking the theoretical lens with a Pakistani perspective, it is easier to analyze the ongoing Pakistan's efforts to support the marginalized community in the country and its key objective to fulfill the ambitious model in support of the transgender community. Pakistan's government not only ensures the safety of the depicted class of society but also advances its affairs with the support of the transgender community, which can meet the requirements of international human rights for the protection and promotion of the marginalized transgender community. In Pakistan, NGOs are also active and are not direct actors of the United Nations, but still, as per the theoretical aspect of this theory, NGOs can play a positive role in supporting human rights by pressuring and influencing states to work in a better environment where all citizens of its society can live in a better way²⁴.

NGOs are working progressively in societies like Pakistani society, where their primary objective is to support marginalized communities, including the transgender community. The opinion of NGOs matters a lot because they highlight the darkest sections of societies, where extreme sectors of societies are highlighted and states work to tackle them. Through the lens of institutional liberalism, these organizations are helping and making positive connections among states and international institutions for the betterment of the marginalized community, including the transgender community, especially in Pakistan. Pakistan, being a responsible country, is in the process of developing a positive roadmap for the transgender community, and it is also in the process of educating its society regarding the sensitiveness and seriousness of transgender challenges. It is because of the role of institutional liberalism, where international institutions are

²⁴ "Explain.Pdf," accessed December 25, 2023, <https://www.princeton.edu/~amoravcs/library/explain.pdf>.

advocates for promoting and supporting human rights around the world, including transgender rights. From this perspective we can get a more complex idea of how the government fulfills its responsibilities for transgender rights in relation to higher levels in human rights discourse externally.

Likewise, liberal institutionalism's focus on the roles of institutions and their normative framework provides a basis to look at Pakistan in reaction to international community demands for transgender rights. From this vantage point, we will see just how important global institutions have been in directing state conduct and formulating collective norms to guide the construction of truly fair and open policies. In sum, liberal institutionalism provides a thorough paradigm for analyzing and interpreting the complex interaction among the various levels of how international human rights frameworks meet state actors; are shaped through domestic struggles that ultimately determine who can be included in what category or exempted from it altogether.

CHAPTER 3: RESEARCH METHODOLOGY

The four parts of this chapter explain the conceptual framework behind the research. The first part explores the methodology's ontology and epistemology. The research applied a qualitative approach to addressing the problems faced by transgender persons from an angle of human rights. It is based on the liberal institutionalism of ontology. This method of the research is discussed in Section 2, which investigates how international human rights norms apply to transgender persons' treatment in Pakistan. Deductive methodology is combined with case study methodology. To highlight the problems faced by transgender people in Pakistan, section three explains what data analysis were done and how qualitative methods such as interviewing or content analyzing. Finally, ethical considerations relevant to this work are discussed in Section 4 which stresses the importance of informed consent and confidentiality and respect for subjects' rights. The challenges and experiences of Pakistan's transgender community are carefully documented in this study.

Research Epistemology

This research is really just the thorough review of ways to make use of the international human rights regime in order to protect transgenders. Using the Liberal Institutionalism perspective means focusing on neutral observation of institutions and their effect upon human rights legislation. The Liberal Institutionalist approach differs from what may be termed the Interpretive school in that it emphasizes not only objective institutions but also stresses the role of laws and human rights norms impacting on state actions, as well as policy priorities.

The purpose of this research is to provide a complete analysis from all angles on how the international human rights regime can be used as an instrument for protecting transgender people. The research will take the Liberal Institutional viewpoint, focusing on neutral scrutiny of

institutional settings and their impact upon human rights rules. Unlike the Interpretive school, which focuses very much on human opinions and ideas regarding human rights norms, Liberal Institutionalism notes that institutions exist as well to influence state actions in this area. To Christopher Lamont, positivism isn't always fully understood by academics as referring only to the quantitative; for international relations it offers a methodology that allows qualitative research and helps ensure objectivity in human dynamics right down to minute details. Based on Lamont's standpoint, this investigation adopts a positive approach that does not just rely on quantitative factors. It is still trying to avoid the problem of subjectivity and examine fairly how the institutional characteristics in different regions affect transgender rights.

This study examines how international institutions and norms influence transgender rights. The epistemological foundation of the study is laid in liberal institutionalism. In order to achieve better results, the study used a qualitative method including case studies, document analysis and in-depth interviews. The intent of this study is simply to consider how humanitarian organizations have defended transgender rights in different settings around Pakistan. Beyond offering a framework for analysis, the epistemological premises of liberal institutionalism provide an integrated process by which the specific efficacy of international human rights norms in protecting and furthering all aspects of transgender life worldwide may be scrutinized.

Research Approach

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Research Strategy

This study adopts a qualitative approach to research, and methodologies used include grounded theory and narrative inquiry. Here grounded theory represents an important method. It is used both in conducting interviews, involving different groups, and exploring case studies. This approach develops various viewpoints from people and aggregates them so that they can help us examine the issues in a manner consistent with institutional liberalism. On the other hand, narrative inquiry is also necessary to capture first-person stories and personal experiences. These narratives are

drawn from live interviews and case studies, aimed at portraying the different trajectories of transgender people's lives.

The research involves taking interviews of a wide range stakeholders, including transgender persons and representatives from international human rights promoting organizations as well as NGO focal people working in the same area to scholars who work on these issues. Narrative inquiry has the potential to bring deeply buried experiences to the surface. These helpful insights help readers create a more holistic understanding of how narratives about sex workers, paupers, and other outcasts living on society's edges are produced, which is especially important given the prevalence of violence against transgender people in Pakistani culture today. Individual experiences serve as the foundation upon which concepts are built, and cultures in Pakistan make judgments regarding transgender persons based on the rules specified in international human rights treaties.

Population and Sampling

The target group has been people from the trans community who have faced discrimination and violence based on their gender presentation. Besides PC members, it has also included focal persons from other international organizations promoting human rights and folks with on-the-ground experience or scholars who have been engaged in the field as well as local NGOs specializing in transgender issues. This variety is deliberate, to achieve accurate collection of data. This passport gives voice to the violence and discrimination that transgender individuals have had actually faced in their lives. Institution representatives have taken different views on how these organizations understand transgender people and Pakistani society. Legal experts have offered insight into sensitive constitutional matters, clarifying possible areas of controversy in the law. Our scholars have already done much work in the field, and local NGOs provide ground-level insights.

In view of the inherent connection between transgender rights and human rights, experts involved in international human right work have been very influential. With this type of purposive sampling, people who have experienced violence and gender discrimination were included in the discussions on key issues within the transgender community. Participants have been given the opportunity to express their views on transgender topics through random sampling techniques such as surveys, giving all sorts of people an equal chance and bringing different perspectives into data collection. This is important for this study.

Data Collection

This study, with a focus on Pakistan, shines the lens of qualitative research upon how transgender communities are protected under international human rights regimes. Compared to quantitative research, which depends on numbers and statistical analysis, qualitative research clarifies complex social issues through examining experiences and contextual factors. In this backdrop of Pakistan's complex social environment, researchers explore what it is like for transgender people themselves and how well they get on with international humanitarian organizations full of prejudices. Using a contextual approach, this qualitative method seeks to investigate the dreams and aspirations of transgender community in Pakistan. It attempts to inform and shape policy by recording properly the differentiation in this phenomenon that they have observed.

Based on their qualitatively rich ethnographic data, it deals in the particulars and special circumstances involving transgender people' rights protection in Pakistan rather than relying upon generalization like quantitative research. This study does not generalize too widely, but rather focused on the case of Pakistan. The chief goal is to support the international human rights regime and at the same time maintaining as well as revitalizing Pakistan's particular social, cultural and legal transgender community. Two primary sources of information were employed to gather

significant information: It is a documentary study including reports, policy papers and legal instruments dealing with transgender rights in Pakistan. Later, persons from the transgender community were interviewed in depth. These requiring a solid grasp of the challenges, advances and nuances that accompany fighting for transgender rights within Pakistan's system for international human rights.

Documents

This study examines how the international human rights framework protects Pakistan's transgender community. Dependence is on primary and secondary sources. Speeches, government reports, interviews and official declarations are the primary sources of information about transgender rights in Pakistan. Secondary sources include books, journal articles, newspapers and internet resources published within the past eight to ten years. These sources were chosen regarding the current stage of study and because time constraints meant that data must be up-to-date, easily obtainable material.

In-Depth Interviews

In order to explore in depth how Pakistan's international human-rights framework protects the transgenders, many specialists who are experts on and possess large amounts of information about this topic have been interviewed at great length. This format of the interviews gives participants the comfort and confidence that their responses won't be limited by a previously fixed questionnaire. Through open-ended discussions, she always asks to follow up questions of the experts as well as trying to get a better understanding through paying attention to their experiences. Like this it is hoped that we might gain an even deeper knowledge of what challenges exist in transgender rights.

Data Analysis

This study provides complex findings, avoiding the reuse of words that appeared in the research itself. As it takes on the intricacies of protecting transgender rights, this study looks at various aspects. It uses a wide variety and large quantity of qualitative data sources to exhaustive ends. The primary sources of data are speeches, official comments, government publications and interviews. These sources provide a collection of first-person views and policy frameworks relevant to transgender rights in Pakistan. To complement the primary data, secondary sources-published materials of the last ten years such as academic journals and newspapers or online resources are used.

Using this approach, you can be sure to have an all-round review of contemporary issues and past concepts. That is precisely what is needed to appreciate the changing geography of transgender rights inside Pakistan under international human right standards. Thus, the process of data analysis needs to be a complete inspection and investigation into these ten thousand threads about transgender person protection. These discourses offer a view from the angle of international human rights responsibilities and present an image balanced between obstacles to progress and opportunities for advance. They integrate many of the different opinions, values, and social stories about transgender people that comprise this segment constellation. Analysis employs the theory of discourse analysis, including both spoken data and written documents in which social or contextual meanings are actually carried. It takes in stories, popular attitudes and legal processes related to transgender rights protection.

Relying on international human rights commitments, the analysis aims to discern tendencies and highlight areas of conflict as well as suggested ways or means as sharpen our focus so that we can see further improvements in attention, protection and integration. At the adaptive design stage,

data gathered from different sources are collated and analyzed in order to ensure that only information relevant to study targets is published. Today, these sections have been re-organized and analyzed so that what we offer is a synthesizing account looking at the opportunities as well as difficulties faced in any effort to enforce transgender rights relating directly or indirectly with international human rights conventions by which Pakistan has already signed up. As the extent and depth of its research are great, it's important that evermore reach or exceed expectations in this phase. It also constructs a macro-perspective based on mixed opinions and minutiae, so as to capture the protection for transgender people that lies within Pakistan's international human rights framework.

Research Ethics

In this study, the research questions were answered in an objective manner. The researcher resisted treating his ideas as eternal objects. In evaluating claims about the topic of study, they considered the references scholars and writers might make; connections among them (who is writing to whom for what?); and their possible biases. One of the most important aspects was accurate citation: this ensured that every step in the research process had been transparent and recognizing other scholars' efforts. The nature and goals of the research were fully explained to respondents during in-depth interviews. They sought to keep the integrity of their contributions intact and thus among participants were included some academic specialists in this field, whose identities are not obscured. Because the study was done without public participation, there were no confidentiality problems.

CHAPTER 4: DISCUSSION AND ANALYSIS

The discussion and analysis component of this study is presented in this chapter, where collected data is analyzed and elucidated via the use of focus group discussions and interview guides. The first part of the chapter focuses on the demographic and descriptive data of the respondents, specifically pertaining to the transgender community. This data provides insight into their lifestyle characteristics and social conditions. However, the subsequent portion of this chapter presents a thematic analysis of the collected data, using both the policy clauses and the fundamental themes.

Descriptive statistics

The ages of the participants were summed and analyzed. Age groupings spanning five years were developed. Whereas, 18 years old was the minimum age recorded, while the maximum age was 70 years old. The participants in the research had an average age of thirty years, which was also the most common age in the data, suggesting that thirty was the age that appeared most often in the study. The majority of participants were within the age range of 23 to 24, while persons aged 28 to 32 constituted the second largest group. The bulk of the youthful group consisted of individuals aged 37 years or younger, accounting for over 80% of the total.

Age range (in years)	Percentage of participants in given age bracket	Cumulative percentage
18 – 22	10.76%	10.77%
23 – 27	30.49%	41.27%
28- 32	26.01%	67.28%
33- 37	11.66%	78.99%
38- 42	9.87%	88.80%

43 – 48	4.93%	100.00%
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Required Educational Qualification of Participants

Out of the study participants, 53.5% were either illiterate or had very limited education. Among this group, 34.5% had no formal education at all, while 19% had some degree of education but still fell into the category of very low education. Primary education alone. 21% of the educated population had obtained their Matriculation, which refers to their secondary education. Around 15% of the participants had finished middle primary school, 5.4% had progressed to upper secondary education, and roughly 5% had obtained a bachelor's degree. Only 0.4% of the participants had post-graduate degrees.

The educational attainment of participants exhibited small variations across different provinces. Sindh had the lowest illiteracy percentage overall, standing at 28%. This might be attributed to the higher literacy rate in Karachi, where 79% of transsexual respondents were literate. Sindh was succeeded by ICT and Balochistan, with a same proportion of 31% illiterate respondents in each region. In the regions of KPK and Punjab, 35% and 36% of the participants respectively lacked literacy skills. AJK has the greatest illiteracy rate among the research participants, reaching 50%. All responders in Balochistan had not acquired schooling beyond the secondary level. Rawalpindi has the highest literacy rate among the cities, with 81% of the respondents being literate, followed by Karachi with a literacy rate of 79%. Karachi had the greatest proportion of respondents with graduate degrees, accounting for 25% of the total. Islamabad followed closely behind with 19%. Lahore and Mansehra exhibited the third and fourth highest literacy rates among the respondents, standing at 76% and 75% respectively. Peshawar and Muzaffarabad had the lowest literacy rates, with 50% of the respondents lacking basic reading skills. Following closely were Multan and

Faisalabad, where 47% and 41% of the participants, respectively, lacked the ability to read and write.

Marital Status of Participants

Approximately 80% of the participants in the focus group discussions (FGDs) were not married. Subsequently, the percentage of married transgenders was 17%, while divorcees accounted for 2% and widowed individuals made up just 1%. All participants in the study from Rawalpindi, Sargodha, and Sukkur were unmarried. The city of Multan had the greatest marriage rate, with 53% of the population getting married. The responders are individuals who are married to women. Faisalabad subsequently had a rate of 29%. Islamabad and Peshawar had a marriage rate of 25%, which ranked them as the third highest in terms of marriage rates.

Principle Occupation and Sources of Income

According to the respondents, dancing is the primary source of income for the transgender population, representing 42% of their total earnings. Behavioral treatment accounts for 15% of the total, while sex work for 12%. Toli contributes 9% of the community's earnings, while domestic assistance makes up the remaining 6%. Other occupations including beauticians, manual employment, clerical work, tailoring, and involvement with philanthropic groups. Except for Karachi and Rawalpindi, where sex work (44%) and begging (43%) were the most often reported means of income, dancing was the predominant source of money in almost every city.

The province-wide pattern indicating dance as the predominant source of revenue declined from the northern to the southern regions, with respondents mostly mentioning dancing in KPK, AJK, and ICT. All respondents in Peshawar said that dancing was their only means of earning revenue, accounting for 100% of the respondents. Haripur and Muzaffarabad followed closely with

percentages of 81% and 79%, respectively. Multan ranked second, with dancing being reported as the source of income by 48% of the respondents. 57% of participants said that they had a solitary source of income, whilst 36% and 7% reported having two and three sources, respectively. Hence, more than 43% of the participants in the FGD reported having several sources of income, with the maximum number of sources being three. Begging and sex work were the other sources of money for 31%. The percentages were greater for those who depended on toli and begging; 63% of them also had sex work and dancing as second or third means of income. With 73% of respondents reporting dancing and begging as other means of income in addition to sex work, they were highest for sex work. This demonstrates that the majority of transgender people who work in the sex industry also rely on dancing and panhandling for cash. This also applies to those who humbly plead for money.

Mean monthly earnings of participants

Approximately 47% of the participants own a monthly income of 10 thousand Pakistani Rupees or below, whereas approximately 39% earn between the amount is 10,020 Pakistani Rupees. Around 86% of the participants reported monthly salaries of 20,000 Pakistani Rupees or below. The highest documented income was PKR 90,000, while the lowest monthly income was PKR 1,200.

Demographic Characteristics of Participants in Migration

Transgender communities often migrate to other areas for the sake of societal harmony, economic stability, and several other factors. The migration patterns varied throughout various cities

nationwide.²⁵ The table below displays the ratio of survey participants in each city who are migrants in relation to those who are native-born individuals.

Three cities had larger proportions of native respondents: Multan (87%), Lahore (87%), and Faisalabad (87%). These results align with the researchers' conclusions that the respondents in Multan had strong emotional connections to their city and saw it as a secure place. With a staggering 94% of its population consisting of immigrants, the city of Islamabad stands out as the urban area with the largest proportion of non-native residents.²⁶ This is not surprising, considering the typically low number of indigenous inhabitants in the city. Peshawar ranked second, hosting 81% of migrant transgender individuals from Pashto-speaking bordering areas, including Afghanistan. Mansehra had the third-highest number of respondents, with 69% being immigrants, mostly attracted by its reputation as a profitable hub for dance.

²⁵ Transgender Persons (Protection of Right) Act 2018, Sec 2, C 1, SC (n).

²⁶ Leonard Zwilling and Michael J. Sweet, "The Third Sex and the Creation of Sexuality in Jain Religious

CHAPTER 5: FINDINGS AND THEMATIC ANALYSIS

The interview guide was structured according to the study's nature, consisting of many topics and open-ended questions. The use of open-ended questions facilitated a more profound understanding of the underlying truth we want to uncover in this study. The questions were focused on extracting the contextual elucidation of the current situation, whether it pertains to education or personal identity.

Thematic analysis is a qualitative research method that involves identifying and developing themes from the data. The approach is extensively used. Thematic analysis is a method of interpretation where acquired material is meticulously examined to identify patterns and connections that aid in interpreting a certain phenomenon. The technique facilitates the production of significant themes without explicitly constructing any theory. Thematic analysis is valuable for offering profound and perceptive explanations to comprehend diverse events. It may facilitate the testing of established hypotheses or the development of a variety of new theories/approaches. The data was gathered using open-ended comments that provided explanations on the causes and perspectives of the problems and questions posed²⁷. To enhance comprehension, all the interviews were first recorded using a mobile voice recorder, while independent notes were simultaneously collected. Further, the recorded interviews were transcribed and further analyzed by detecting keywords and prevalent patterns in responses.

²⁷ Louis A. Knafla, *Crime, Gender, and Sexuality in Criminal Prosecutions* (Greenwood Publishing Group, 2002), 124.

Socio-cultural Challenges Among Transgender Community

The identity of the participants is anonymized while retelling the responses. They were guaranteed that the publication would not use their names in any manner or at any location. Consequently, the respondents' names or identities are not disclosed. In addition to this, during the transgender interview. In order to preserve the harmony within the community, great care was taken to guarantee that no one's emotions were hurt and that the questions were asked in a delicate manner. Ultimately, the transgender individual is addressed as She, Her, and other feminine pronouns, since this choice fosters their comfort and well-being.

Social Exclusion and Education of Transgenders

Considering the significant role of education in influencing the overall options accessible to transgender individuals in contemporary times. The first enquiry presented to the participants was *“the opportunity to partake in formal education”*. Out of the total number of respondents, 22 were enrolled in official educational institutions, such as elementary or higher education, whereas 19 respondents were determined to be unable to read or write. As a reply, an unidentified caller said, *"I have never received formal education." Although I had a strong inclination, I exercised self-restraint. Perhaps due to my family's impoverished circumstances. On the other hand, my brothers went to school. I was prohibited from leaving the residence entirely. No one attempted to provide me with guidance. Arguably, I could have performed more proficiently. Unfortunately, I was never given an opportunity.”* Another individual who had completed their education said, *"Yes, I had the opportunity to attend school²⁸."*

²⁸M. Michelraj, "Historical Evolution of Transgender Community in India," *Asian Review of Social Sciences* 4 (2015): 17.

The school visit was successful. I was subjected to harassment by a group of juveniles. Nevertheless, overall, things went well. I had a number of guy friends at my school. I wanted to engage in independent studies. With the assistance of my Guru, I engaged in diligent study. Nevertheless, I discontinued my education upon realizing that I needed to provide for my family and was unable to pursue further academic endeavors

One individual said, "I completed my education up to the primary level. Similarly, it occurred in my hometown of Sahiwal; but, upon relocating here, the situation had altered. The idiosyncratic views of my lecturers and school administration indeed compelled me to discontinue my education. Nevertheless, we were informed that society would not approve of us and that we should not give serious thought to attending school. It is advantageous for us. "I believe that there is a universal desire for education," she said. Nevertheless, our circumstances extend beyond mere destitution.

Another respondent said "In all honesty, I believe that achieving education is challenging for the transgender community," said one of the responders who successfully finished their studies. I successfully completed my studies due to the unwavering support of my family. Enthusiastic to aid me and demonstrate their support. Both in terms of financial resources and mental well-being. I acknowledge that government educational institutions formerly provided free training. Nevertheless, initially, it mostly involves educating people about our disparities. Individuals such as me are able to pursue further education without any restrictions, for as long as we like.

The issue asked was if the individual desires for other community members to pursue their education, as discussed in relation to their acceptance within the group and the potential impact of education. What level of importance do you attribute to it. Overall, the reactions to this were consistent, but with different linguistic expressions. The vast majority of respondents had very identical ideas. The reply unequivocally said that education is of utmost significance in enabling

an individual to live a fulfilling life. Education is vital in today's society, in my view.²⁹ Whether it is money. *"I strongly desire that we are afforded equal educational opportunities, just like other individuals,"* said another individual who had successfully finished their education up to the matriculation level.

"I am of the opinion that education plays a crucial role in fostering self-awareness, but it is only through acceptance that this can be achieved. "Unless individuals are willing to witness our inclusion in educational institutions alongside them, no policy will ever achieve its intended impact." All respondents who attended school, save for one who pursued graduate study, were not given the choice to determine whether or not to pursue further education. The main concern was on the lack of familial assistance, both in terms of financial and emotional support. Absent such aid, her ability to complete her studies would have been compromised.

Conversely, those who fulfilled the criteria for enrolment and higher education were seen to have pursued their studies after relocating to this community, yet they were all accepted while still residing in their original residences.³⁰ The main factors contributing to their educational neglect were poverty and their need for a sense of community. Transgender individuals' academic chances are significantly enhanced when they reside with their biological family. However, several individuals were seen refraining from attending school due to gender bias inside their households. They were deprived of equal possibilities compared to other youths residing in the same household.

²⁹ Preeti Sharma, "Historical Background and Legal Status of Third Gender In Indian Society," IJRESS, 2nd ser., ED (2015): 12.

³⁰ Saleem Shaikh and Sughra, "Pakistan's Transgender Rights Law - a 'battle Half Won'," Reuters, May 21, 2018, , accessed June 28, 2019

Bullying And Harassment

The majority of the respondents had clearly encountered a wide range of social issues and injustices, including bullying, harassment, disparaging comments, and more, along their academic journey, from studying and attending school to applying for admission. This illustrates the complete lack of social acceptability for this specific group. The community's exclusion has been mostly driven by their gender diversity alone, making it very significant.

Overall, the data suggests that transgender individuals were aware that, despite their level of education, there would be no improvement or positive change. Unless society or other people are willing to fully embrace our true selves. It was observed that those who fulfilled the criteria were unquestionably eligible for employment that offered somewhat greater remuneration³¹. The data also uncovers more instances of extremes, such as an individual who has engaged in prostitution for a duration of 14 years, while also possessing a 14-year educational background. The underlying reasoning remains unaltered. The societal impact on inclusion and acceptance is significant. A policy document in isolation will not provide the same impact as the imperative process of social change.

Legal Rights

The transgender community has been impacted by several factors, including formation, awareness, and resulting effects. The discussion/interview with the respondents often started by asking if they "do". Do you believe that there are any constitutional rights that apply to individuals like yourself? In response to this query, an individual of middle age is experiencing a condition denoted by the letter F.at response to a question, the qualifier said, "*There are numerous significant events*

³¹ Akbar, Ali. "Transgender Alisha Succumbs to Wounds at Peshawar Hospital." DAWN.COM. Dawn News, May 25, 2016, accessed June 30, 2019.

occurring in the present time."³²I have been informed extensively on the policies and choices that have been implemented for our community, but do you know what? There is absolutely no manifestation of the trickle-down effect. Alternatively, it is possible that the policies have been formulated, but there is a lack of interest in providing us with the necessary education on the matter. However, life remains unchanged from its previous state. I am unaware of the specific alterations that have occurred. Perhaps just a handful of observations.

Possession Of ID Card

A total of 34 people were participating in a routine (male) NIC. The individual possessing a standard male National Identification Card (NIC) confirmed, "Yes, I possess a valid NIC." However, the documentation states that I am of the masculine gender. Upon visiting the NADRA office to get my NIC, I presented myself in male attire. I dressed in traditional Pakistani attire, namely a shalwar kameez and a cap, since I needed to get a male National Identity Card (NIC) at that location. I did not want people to be aware of my distinctiveness. "*I am aware that category x has been specifically created for the transgender community.*"

I have also been informed that an 'X-NIC' does not provide any property rights, "*I am aware that the majority of us lack familial ties or possessions.*" However, a portion of our population does. It is unjust against them. The second participant who recently obtained an x National Identity Card (NIC) answered to this by saying, "I recently visited NADRA to apply for a NIC." Frankly, the personnel was satisfactory. Subpar. However, they were not peculiar. She remarks, "However, the disapproving looks received from the general administration can create a sense of discomfort. However, regardless of the situation, we have been used to it."

³²⁷ Stryker, Susan. *The Transgender Studies Reader*, New York: Routledge, 2006. 1–17

Power Structure and It's Effectiveness

Lastly the respondents were questioned about, "Please explain the power structure or chain of command prevailing in your community. Is there any particular leader in Pakistan/or province for transgender people? Are they unselfish and fight for your rights or not? What is the trickledown effect?" to this practically all had identical answer. A particular response was, "*there are no selfless leaders*³³. *Some arrive on TV. Some had made their NGOs. Some efforts for transgender rights. But no one can be unselfish. I personally work as a transgender right activist. But I cannot work for every single transsexual person in Pakistan.* our community needs to stand for their rights. The first step may be to work for oneself. By leaving singing and pleading behind. They can do anything. If they want to. With this maybe society will think high of us too³⁴. And eventually maybe we will be welcomed in a better way".

Stigmatization And Discrimination

Transgender individuals often face rejection from their families as a result of stigmatization and discrimination. They are also often compelled to conform to societal expectations by defining their identities strictly within the confines of the gender binary. Individuals who do not conform to traditional gender roles are relocated from their families and put in a transgender community, where they get guidance and are nurtured accordingly.

Their estrangement from their families induces feelings of alone and unease, which in turn exacerbates the prejudice they face. Transgender individuals in Pakistan are susceptible and marginalized constituents of society. The social marginalization of this population may be

³³Naila Nazir and Aqsa Yasir, "Education, Employability and Shift of Occupation of Transgender in Pakistan: A Case Study of Khyber Pakhtunkhwa," *The Dialogue* 11, no. 2 (2016): pp. 158-176.

³⁴ "World Health Statistics 2010," World Health Organization (World Health Organization, December 2, 2010)

attributed to factors such as illiteracy, poverty, injustice, limited opportunities, social and cultural exclusion, power disparities in relationships, and the unyielding stance of religious authorities. In addition, their inability to reproduce and manage their sexual orientation further intensifies their disdain. On a daily basis, individuals encounter apathy, degradation, and bias due to their societal, cultural, and physical characteristics. While some civilizations see them as possessing divine authority, they are forbidden from engaging in religious ceremonies in other societies.

Illiteracy Rate Among Transgenders

Consequently, individuals are unable to find a secure environment for studying, leading to a decline in their educational attainment. Transactivists assert that the illiteracy rate among the transgender community in Pakistan is estimated to be between 98 and 99%. However, a study conducted by UNAIDS in 2014 validates that 42% of transgender sex workers surveyed did not get a formal education. A study performed in Larkana revealed that 67.8% of the hijra community is devoid of formal schooling. Furthermore, Pakistani educational institutions do not use a quota system for their admission process. Despite their efforts to pursue higher education, they face several challenges related to registration, group allocation, and responding to enquiries from unfamiliar individuals.

Due to social antagonism and prejudice, individuals are compelled to pursue other means of earning a living that are stigmatized by our mainstream society, such as engaging in prostitution, performing at weddings or births, and resorting to begging for little financial support. This is a consequence of their exclusion from educational institutions. They are unable to be hired for tasks related to household duties, childcare, or any occupation that requires them to acquire certain abilities. Consequently, they are compelled to live in circumstances where resorting to such actions becomes their only option.

Health Hazards Among Transgender Community

Transgender individuals encounter substantial health hazards due to their exposure to severe marginalization from both their families and society. These dangers include an elevated susceptibility to drug abuse, disparities in mental health, and the transmission of sexually transmitted illnesses, including HIV infection. 31% of transgender individuals who do not engage in sex work and 44.2% of transgender individuals who do engage in sex work in Pakistan acknowledged using drugs or alcohol.

Moreover, a significant proportion of transgender sex workers (about 33.7%) who engage in injectable drug usage did not use a condom during their most recent sexual encounter with clients. Additionally, almost 71% of these individuals engaged in sexual activities with other drug users. Among the 409 participants, the study revealed that 84% had engaged in the sale of sexual services, 94% were able to identify a condom, however, 42% claimed to have never used one, 58% had sexually transmitted infections (STIs), and 38% had multiple infections. Gonorrhoea (18%) and syphilis (50%) were the most common infections.

Government Policies in Order to Assist the Community

The fourth subject of analysis is focused on the government posture or policies made in order to assist the community from becoming a left out in Pakistani society. It was extremely necessary to study and assess what has Pakistani government done so far for elevating a socially excluded population living side by side with other communities. The effects of numerous legislative measures and the implementation scenarios are of vital relevance for current investigation.

The improvements noticed at governmental level are evident and can be seen by any person but it was vital to know about its trickle-down impact for the transgender population. It was largely

observed following data gathering that government has been uninformed of the diffusion component. The awareness mechanism and information flow were a crucial pillar in making transgender protection actions effective. Which was lacking from the front and resulted in the inappropriate effect of any measure done by government. The seems like “X-NIC” particularly designed for a transgender person were a significant question mark after hearing from the research respondents. First, more over half of the respondents didn’t bother about altering their “male” NIC into “X”. This reflects a lack of faith and hope on government. As well as there were arguments like “No inheritance rights”.

Although transgender community agreed to the point that a few people truly hold any such rights but entirely eradicating this right from them is another issue. This was an observed cause in rare situations that were not changing their NIC into an “X” one owing to this. The unchanging NIC plays a very essential function in their gender identity. The census performed in 2017 showed a relatively rare number of transgender people living in Pakistan and this was the reason why most were recorded as male residents.

Talking about the conduct of police and security services with transgenders and how vulnerable they are to harmful acts was also a critical concern. First, the distrust on police was largely observed in statistics. Second, the abuse of authority against a socially weak minority was as common as it seems. With this the community is really denied from reporting the fundamental crimes (harassment, rape attempts, theft, and etc.) which makes them even more prone to destructive social activities. The distrust on government and its priorities is quite frequent in transgender community and the responses revealed that the reason most of them have never casted a vote during elections was because the exclusive approach towards them has induced the fact their say is not essential. Therefore, there is no purpose in casting a vote.

Moreover, there were no obvious implementation efforts done by government following policy drafting. Almost ³⁵all the respondents were aware of the social and policy changes been made for their community but the issue for them was the absence of taking the primary stakeholders on board in the policy process and they believe their say was not taken seriously while introducing any policy initiative for them. The major beneficiaries of the policies are not taken on board before finishing the legislative measures reveal a divergence among key stakeholders. This divergence has influenced the policy results in a very unfavorable manner.

Whereas, the missing projects and programs from the scenario is also a huge issue. Or at least lack of distribution of such initiatives or projects has done no favor to anybody. Mere policy changes in legislation were not necessary in the first place. It was true that certain instances in study sample recognized the idea that policies had proven a good influence on some individuals' lives.

The major portion of the transgender population is still left behind at all social levels. However, there are certain members in the transgender community who are working as an activist for different rights of transgender persons at local, national and worldwide level. But one thing was evident that like any other politician the leaders in this society too, prioritized their own interests over communal requirements which undoubtedly implies that the condition of the most vulnerable individuals of the community remains the same as it was before any policy change.

Analysis of Transgender Protection Act, 2018

The current research examines the policy provisions of the Transgender Persons (Protection of Rights) Act, 2018, which pertain to the provision of fundamental human rights to transgender

³⁵ Intikhab Ahmad et al., "Transgender Issues in Pakistani Community," European Academic Research 4, no. 10 (January 2017): pp. 9048-9057.

populations within the framework of Pakistani Citizenship. The legislation is thorough and quite specific. There are many factors that are closely connected to the goals and objectives of the current research. However, the precise provisions of this Act that are pertinent to the analysis of the current policy situation for this research are listed below:

The section titled "Chapter 3: Prohibition of Certain Acts" states:

Prohibition of prejudice. It is prohibited for any individual to discriminate against a transgender person based on the following reasons: (d) Refusing, stopping, or treating unfairly in educational institutions and their services; (e) Treating unfairly in or in connection with employment, trade, or occupation; (f) Denying or terminating employment or occupation.

Additionally, the legislation specifies in "chapter 4: Obligations by Government"

(c) Develop specialized vocational training programs to enable, promote, and support the livelihood of transgender individuals; (d) Stimulate transgender individuals to start small businesses by offering incentives, an accessible credit plan, and grants;

The 8th and 9th provisions of chapter 5 of this legislation state:

Education is a Fundamental Right

- a. Transgender individuals should not face any kind of prejudice while seeking admission to any educational institutions, whether public or private, as long as they meet the specified criteria.
- b. All educational institutions must provide education and opportunity for sports, relaxation, and leisure activities without any kind of discrimination, and on an equal footing with all other individuals.
- c. The government is obligated to ensure that transgender individuals get free and mandatory education, as stated in Article 25A of the constitution of the Islamic Republic of Pakistan, 1973.

Employment rights

a. The government is obligated to protect the transgender individuals' constitutional right, as stated in Article 18 of the 1973 constitution of the Islamic Republic of Pakistan, to engage in any legitimate profession, employment, trade, or business³⁶.

b. No establishment, institution, department, or organization must engage in any kind of discrimination against transgender individuals in any aspect of work, including but not limited to recruitment, promotion, appointment, transfer, and other related matters.

c. It is illegal for an employer to engage in discriminatory practices against an employee based on their sex, gender identity, and/or gender expression. This includes:

- 1) Making employment decisions based on these factors;
- 2) Offering employment on terms or conditions that are influenced by these factors;
- 3) Restricting or denying the employee's access to opportunities for promotion, transfer, training, or any other employment-related benefits;
- 4) Terminating the employee's employment based on these factors;
- 5) Subjecting the employee to any other form of disadvantage.

Over the last decade, significant legislative developments have occurred regarding the transgender population. The measure was originally introduced in 2017 and formally approved in 2018. The law is the result of collaboration among several legislators, activists, and NGO workers who have consistently voiced their concerns about the transgender population. The law is unquestionably

³⁶ Louis A. Knafla, *Crime, Gender, and Sexuality in Criminal Prosecutions* (Greenwood Publishing Group, 2002), 124

comprehensive. It addresses all the key aspects that need attention in order to improve the situation of the transgender population in Pakistan.

Recommendations

Nevertheless, there are significant problems. Firstly, the oversight of not including the primary beneficiary/stakeholder, namely the transgender community, throughout the decision-making process. The research respondents emphasized this problem when questioned about the extent of government officials' involvement with the transgender population during the creation of this legislation. The respondent's response indicates a conspicuous absence of link between the key stakeholders, namely the transgender community, and the official government player³⁷.

The policy statement encompasses all individuals who identify as gender-variant and strives to ensure that all their rights are explicitly outlined and provided for. The actual circumstances faced by transgender populations reveal a distressing scenario in terms of their socio-economic realities, since the anticipated advantages outlined in the legislation have not been extended to these marginalized groups. This exemplifies the ineffectiveness of policy execution by government agencies and other official entities. The treaty discusses several rights, such as education, work, non-discriminatory treatment, gender identity, issuing of CNIC, voting, and freedom of movement. Nevertheless, the government falls short in delivering the aforementioned rights as stated in the policy text.

Furthermore, it is crucial for the government to enhance public understanding on the policies concerning transgender individuals in Pakistan. The survey revealed that the general public has little knowledge about the progress and acceptance of this legislation pertaining to

³⁷ Asad Ullah , “Gendered Justice: Constitutions, Trans-Genders and Equality,” Lums Law Journal 3

transgender individuals. Given the circumstances of a society, how can a transgender individual effectively assert their rights? Active engagement and prioritization of the consensus of the transgender community should be a fundamental aspect of any government policy endeavor targeting them. One strategy to achieve policy involvement and agreement is by considering the viewpoints of a select group of representatives who come from varied backgrounds and represent the transgender community.

Collective. Furthermore, it is crucial to distribute the policy/act and its provisions to the recipients. This objective may be achieved by enhancing the governance paradigms specifically developed for the execution of transgender community laws. Moreover, the heightened public knowledge mentioned before will enhance societal acceptability and contribute to the overall effectiveness of the policy document designed for the transgender population.

CONCLUSION

The research primarily aims to analyse the contextualization of issues faced by the transgender population in Pakistan in relation to recent events. It seeks to assess the extent to which legislative changes in Pakistan have positively impacted the transgender community since their implementation. The findings unequivocally shown that the transgender community faces societal ostracism and marginalization as a result of their gender identity. Pakistani society is mostly oblivious to its aspirations and rights across several domains. A representative sample of 41 respondents was collected from different regions of Islamabad to determine the present situation. The enquiry used snowball sampling as the sample technique.

The researcher autonomously gathered the data using an interview guide. The interview guide used open-ended questions to elicit a diverse array of comments and responses from the participants.

The research employs a qualitative technique, since it is limited to uncovering factual information using this approach. The collected material was analyzed using thematic analysis. The five constructed topics, namely gender identity and family, education, profession choices and income level, legal status of rights, and social exclusion and poverty, were developed in accordance with the study's goals and objectives. Additionally, the study's examination of the consequences of the law from the beneficiaries' viewpoint included referencing the "Transgender Protection Act, 2018" policy paper.

The results illustrate that the marginalization of the transgender population in Pakistani society arises from a range of sociocultural factors, resulting in the group being rejected and widely despised. Their basic rights are being unlawfully seized. For instance, the difficulty of acquiring a fundamental education, the right to choose career opportunities, and the capacity to earn income via reputable labor. The transgender community is inevitably forced to experience poverty due to societal exclusion across several domains. The main reasons for the ongoing existence of the transgender community, prior to the implementation of the Transgender Protection legislation of 2018, were a lack of involvement and effective communication amongst the key individuals and groups affected by the legislation.

To ensure that beneficiaries get what they want, it is crucial to establish a consensus among them throughout the policy writing process. Unfortunately, in this particular case, the reality was the opposite. There is now a divergence between the objectives of policy and the benefits it provides to the transgender community. It is recommended to urgencies stakeholder engagement in the development of future policies and initiatives for the transgender community. The policies will effectively and adequately address their concerns and requirements, ensuring their active involvement and participation. Furthermore, it is imperative that both the general public and the

transgender community be adequately educated of the rules and legislation designed specifically for transgender individuals. A significant proportion of participants believe that expanding the presence of civil society groups is crucial for improving the prospects of the transgender community.

They hold the belief that an increased quantity of CSOs would provide enough accessibility to the community, which often has limitations in travelling to major urban areas just to see these CSOs. An augmentation of Civil Society Organizations (CSOs) will correspondingly result in a rise in transgender workforce within the development sector, therefore enhancing the community's capacity to advocate for its rights collectively. As per several respondents, the transgender community must overcome internal conflicts and foster deeper connections via cooperation and togetherness. The community would be more effective in safeguarding its rights if it has a cohesive and synchronized voice.

A significant number of respondents believe that community-based organizations (CSOs) advocating for transgender rights are very effective, since they directly benefit communities via their localized initiatives. The community have a greater capacity to advocate for its rights due to its heightened awareness of its own demands, beyond that of any other entity.

Furthermore, it garners publicity for the community and enhances job rates in the vicinity. In addition, survey participants said that community-based institutions must demonstrate a dedication to maintaining integrity in their operations and eliminating favoritism and dishonest practices. Some respondents believe that transgender women should not limit their work options exclusively to transgender individuals. They should collaborate with cisgender individuals in various roles. This would challenge the prevailing stereotype and facilitate the integration of transgender

individuals into mainstream society, hence empowering more transgender people to defy societal norms.

In order to achieve long-term advantages and ensure lasting viability, a significant proportion of respondents believe that both the State and provincial governments should replicate all of these activities³⁸. They argue that although NGOs may act as a valuable catalyst for achieving transgender people's rights, it is ultimately the responsibility of the State to help the community and safeguard their rights. The State has the responsibility to provide the protection and provision of the community in a fair and unbiased way, just as it does for all other residents.

Way Forward

The research examined the Transgender Protection Act of 2018 via the perspective of its beneficiaries. Thus, it is necessary to investigate the government's implementation shortcomings in order to conduct more study. When analyzing the government implementation strategy, two important topics to concentrate on are the differences between the extent of the government's resources available to handle community issues in the legislative and executive requirements. In-depth research may also be done on the standards used by pertinent government organizations to allocate resources and how they affect transgender populations. Rising inflation has led to a rise in poverty and increased vulnerability within the transgender population; hence, the effects of inflation may be further researched in the future.

³⁸ Aurat Foundation, "Silent No More Transgender Community in Pakistan,"

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ANNEXURE

Here are some hypothetical samples of annexures for this study on "Protection of the Transgender Community under International Human Rights of Pakistan: A case study of Pakistan." These examples are provided for illustrative purposes: The annexures give a complete analysis of Pakistan's legal, legislative, and social landscapes for transgender rights. Legislation, laws, judicial decisions, academic research, NGO reports, interviews, and government activities are among them. The annexes illustrate the obstacles that these nations' transgender people confront, as well as the measures made to preserve their rights.

The annexes are a valuable resource for comprehending the complicated and diverse problems regarding transgender rights in Pakistan. They lay a solid platform for future study and activism on this critical subject. Here are some concrete examples of transgender people's difficulties in Pakistan:

- Transgender persons are frequently the victims of violence, including physical assault, sexual assault, and murder.
- Transgender persons endure prejudice in every area of their lives, including work, housing, healthcare, and education.
- Transgender persons frequently do not have access to essential services such as healthcare, education, and housing.

The annexures further emphasize the critical role of international human rights legislation in defending transgender people's rights in Pakistan. The United Nations Human Rights Council has passed a series of resolutions on transgender rights, which have been backed by Pakistan. These

resolutions urge states to take steps to protect transgender people's rights, such as enacting and enforcing laws prohibiting discrimination against transgender people, providing support services to transgender people, and raising awareness of the challenges they face. The annexures conclude by urging Pakistan to continue their efforts to implement these agreements and defend the rights of transgender persons. These efforts should be done in partnership with civil society groups and transgender populations, and they should be founded on nondiscrimination, equality, and inclusion values. Here are some concrete examples of how the international human rights framework has been used in Pakistan to safeguard the rights of transgender people:

- The Pakistani government developed a policy guideline for the welfare of transgender people in 2018, influenced by the international human rights framework.
- The United Nations Human Rights Office of the High Commissioner for Human Rights (OHCHR) published a report in 2020 on the human rights situation of transgender people in Pakistan, highlighting the challenges faced by transgender people in these countries and calling for increased protection of their rights.

These are only a few examples of how the international human rights law may be utilized to safeguard transgender people's rights in Pakistan. The international community, government, civil society groups, and transgender community can all work together to ensure that all transgender individuals have full human rights.