

**RESEARCH PAPER****Unveiling the Struggles and Rights of Transgenders in Lahore: A Comprehensive Analysis****¹Tahir Muhammad*, ²Ayesha Aqeel and ³Fatima Zohra**

1. Lecturer, School of Integrated Social Sciences, University of Lahore, Punjab, Pakistan
2. Lecturer, University of Central Punjab, Lahore, Punjab, Pakistan.
3. Lecturer, Department of Political Science, Government College University, Lahore, Punjab, Pakistan

***Corresponding Author:** Tahirmarwat1212@gmail.com**ABSTRACT**

This study explores the journey of transgender individuals in Lahore, Pakistan, employing a qualitative research methodology. The objective is to scrutinize societal attitudes and legal rights within the international framework of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), to which Pakistan is a signatory. Despite legal provisions, the research reveals significant challenges in ensuring the rights and dignity of transgender individuals. This study contributes to a comprehensive analysis of the human rights landscape in Pakistan, shedding light on the complexities surrounding transgender rights. The findings underscore discrepancies between legal frameworks and lived experiences, emphasizing the need for improved measures. Recommendations include proactive policy revisions, awareness campaigns, and enhanced enforcement mechanisms to create a more inclusive and supportive environment for the transgender community in Lahore and advocate for meaningful change.

KEYWORDS Advocacy, Discrimination, Legal Safeguards, Social Inclusivity, Socio-Legal Conditions**Introduction**

In contemporary discourse, "transgender" refers to individuals whose gender identity differs from the sex assigned to them at birth. This diverse group encompasses transmen, transwomen, and intersex individuals, and their experiences are shaped by a complex interplay of societal, legal, and historical factors. Historically, transgender individuals in the subcontinent have held diverse social roles. Some cultures have esteemed them, recognizing their unique contributions and attributing divine powers to them, intertwining their identity with spirituality. This perspective not only shapes societal perceptions but also influences the roles transgender individuals assume. However, treatment varies across cultures, with some using derogatory terms, perpetuating harmful stereotypes, and fostering marginalization, while others afford special privileges such as ceremonial roles, cultural recognition, or specific community rights. In societies like India and Pakistan, terms like "Khawaja sara," "khusray," and "hijray" are deeply embedded in the cultural lexicon. (Ilana Crome, 2014)

Though, Pakistan has taken significant strides in acknowledging and safeguarding the rights of the transgender community. A pivotal development is the enactment of the Transgender Persons (Protection of Rights) Act in 2018, which represents a landmark legislation designed to protect the dignity, security, and well-being of transgender individuals. This comprehensive law prohibits discrimination across various facets of life, encompassing education, healthcare, and employment. Notably, it recognizes the right of transgender individuals to self-perceived gender identity, allowing alignment with their identity in official documents. Furthermore, Pakistan's commitment to transgender rights

extends to international obligations, as the country is a signatory to key human rights treaties such as the Universal Declaration of Human Rights (UNDHR) and the International Covenant on Civil and Political Rights (ICCPR). These commitments underscore Pakistan's obligation to uphold the fundamental rights and freedoms of the transgender community in accordance with international standards. For instance, United Nations Charter, Article 2(3) places the responsibility on the state to safeguard the lives of its citizens and ensures that the right to security is extended to all individuals without any form of discrimination. Likewise, within the framework of the International Covenant on Civil and Political Rights (ICCPR), Article 6 underscores the entitlement of every human being to the rights of life and security. Similarly, Article 9 of the 1973 Constitution of Pakistan guarantees the right to security for its citizens, explicitly stating that no one shall be arbitrarily deprived of life and liberty.

The right to dignity finds explicit recognition in the preambles of the United Nations (UN), the Universal Declaration of Human Rights (UNDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR). Reinforcing this, Article 14 of the Constitution of Pakistan explicitly affirms the protection of the dignity and privacy of every human being in accordance with the law, unequivocally stating that it shall not be violated. Collectively, these articles underscore the universal demand for dignity and respect for all individuals, transcending gender distinctions.

The right to health, a fundamental aspect of human well-being, is underscored by international and national legal frameworks. In accordance with the UNDHR, Article 25 expressly safeguards the right to health, encompassing access to hygienic food, proper sanitary measures, Medicare, and a healthy environment. Expanding this perspective, Article 12 of the ICESCR accentuates the significance of both mental and physical health in ensuring the overall well-being of individuals. Locally, the Constitution of Pakistan, in Article 151, delves into matters of public health, safety, order, and morality under section 4.

The right to equality, a cornerstone of human rights, finds explicit protection in various international covenants and declarations. Fundamental liberties, devoid of discrimination, are deemed essential for all individuals. The United Nations Charter, in Article 1, section 3, advocates for the universal respect of every human being without discrimination. This commitment extends to the UN Declaration of Human Rights, which, under Article 2, enforces equality for every individual. In parallel, both the ICESCR and ICCPR, through Article 2, emphasize the prohibition of discrimination in the provision of fundamental rights, assigning this responsibility to the state. The Constitution of Pakistan, aligning with these international standards, upholds equality before the law for all citizens under Article 25.

The UNDHR mandates states to provide education to citizens, emphasizing equal elementary education in Article 26. Echoing this, Article 13 of the ICESCR underscores the importance of education, deeming it a remedy for violence and a catalyst for global peace. In alignment with these international principles, Article 25A of the Constitution of Pakistan grants the right to education to citizens, explicitly prohibiting discrimination based on sex as outlined in section (2) of Article 25A. Under Article 22 of the UNDHR, every human being is granted the right to social security. Similarly, the ICESCR, in Article 9, addresses the provision of social security. Additionally, Article 9 of the Constitution of Pakistan outlines the right to security for its citizens.

The fundamental human right to family is recognized in Article 16(3) of the UNDHR, which designates the family as the basic unit of society and the state. Article 7, Section (ii) of the ICESCR grants the right to a standard of living to all signatory states, a right similarly identified by the UNDHR under Article 25. The preambles of the UNDHR, ICESCR, and ICCPR all incorporate the right to freedom from fear and want. It is a fundamental human right that

individuals should not endure physical or mental torture. This protection is articulated in Article 5 of the UNDHR, Article 7 of the ICCPR, and Article 14 of the Constitution of Pakistan.

Despite legal strides, the societal conditions for transgender individuals in Pakistan remain fraught with challenges. Many face rejection from their families at birth, compelling them to seek refuge with gurus. The socio-economic plight of transgender individuals often plunges into destitution, leading many to resort to begging at traffic signals or engaging in dance performances for survival. Additionally, the lack of acceptance and social marginalization propels some towards engaging in sex work, further exacerbating their vulnerable economic status. The yawning gap between legal provisions and the harsh reality underscores the urgent need for broader societal acceptance, economic opportunities, and comprehensive support systems for the transgender community in Pakistan.

Literature Review

The study by Shahla and Sadia (2014) explores transgender education issues, revealing the community's marginalized status due to societal barriers. Despite recognizing education's benefits, transgender individuals face limited access, leading to high illiteracy and unemployment. The article attributes these challenges to family, societal, and governmental isolation, suggesting that acceptance is crucial for addressing identity issues, illiteracy, and unemployment in the transgender community. (Jamil, 2014)

This paper examines the efforts of NGOs in Pakistan for the transgender community, highlighting the insufficient support from both NGOs and the government. The paper emphasizes the inadequate facilities and legal rights for the estimated 50,000 transgender individuals in Pakistan, pointing out the challenges they face in a conservative society. It advocates for the recognition of their humanity and the need for a normal life. (Raja, 2015)

This research focuses on the abilities and hidden skills of transgender individuals in Khyber Pakhtunkhwa, Pakistan, specifically in the areas of education and technical work. The study examines transgender individuals across five districts in the province, shedding light on their potential in various fields. (Yasir, 2016)

Nazir and Yasir (2016) focus their research on transgender individuals in five districts within the Pakistani province of Khyber Pakhtunkhwa. This study delves into the capabilities, hidden talent and skills of transgender individuals, particularly in academic pursuits and various technical domains.

This study by Forss and Israr highlights the conservative mindset prevalent in Pakistani society, emphasizing the transgender community's involvement in general elections. Despite their efforts, the lack of support prevents them from securing any seats in Pakistani society. Nevertheless, the community continues to work persistently for their equal rights. (Israr, 2016)

The research by Saddique, Mirbehar, Batool, and Ahmad (2017) reveals persistent denial of fundamental rights to the transgender community in Pakistan, despite constitutional guarantees. The study explores socio-political, economic, and religious rights, highlighting societal barriers preventing transgender individuals from praying in mosques. Furthermore, it criticizes Saudi Arabia for unjustly banning pilgrimage visas for transgenders, emphasizing discrimination against this community. (AHMAD, 2017)

Mohyidin (2018) posits that with Transgender Rights, Pakistan has the opportunity to be a pathbreaker. The article sheds light on a distressing incident involving the rape of an 18-year-old transgender individual by nine men. Following extensive coverage by various journalists, the national assembly took a crucial step, enacting an act known as the "Protection of Rights" for the transgender community. (Mohyidin, 2019)

Toppa (2018) presents an exploration of the perspectives and emotions of Pakistan's transgender community towards other genders and their overall attitude in the article "Pakistan's Transgender Community Takes Another Step Forward," published on March 5, 2018. (Toppa, 2018)

The research titled "Silent No More: Transgender Community in Pakistan" by Aurat Foundation and USAID is an integral part of the Aurat Foundation's initiatives in Pakistan. This study primarily centers on the Gender Equity Programme (GEP). The GEP aims to narrow the gender gap in Pakistani society, with a core objective focused on controlling and minimizing Gender-Based Violence. (Foundation, 2016)

Critically examines the perception of granting rights to transgender individuals as a sympathetic concession in various societies. She denounces this attitude as both pathetic and discriminatory, emphasizing the failure of recognizing transgender individuals as human beings entitled to equal rights. Helen adheres to a gender identity ideology that acknowledges three genders—male, female, and both (transgender)—or none. This perspective rejects the biological classification of individuals, asserting that gender identity is a psychological phenomenon. It contends that individuals, whether male, female, or transgender, should define their identity based on their feelings rather than biological sex. (Helen, 2021)

Material and Methods

This research employs a qualitative methodology, utilizing in-depth interviews and thematic analysis, to explore the lived experiences and challenges faced by the transgender community in Lahore, providing a rich and nuanced understanding of their current socio-legal conditions.

Results and Discussion

Pakistan, as a signatory to various international human rights charters and conventions, has enacted laws aimed at safeguarding the rights of its citizens, irrespective of gender identity. For instance, United Nations Charter, Universal Declaration of Human Rights, The International Covenant on Economic, Social and Cultural Rights (ICESCR) etc. It has enacted Supreme Court's 2009 Decision on Third Gender Recognition, Transgender Persons (Protection of Rights) Act 2018, have also introduced specific legislation or policies addressing transgender rights, several provincial legislations which may include provisions for protection against discrimination, access to education and healthcare, and other rights. The National Commission on Human Rights in Pakistan has been tasked with addressing human rights violations, including those faced by transgender individuals. They may intervene in cases of discrimination and violence and advocate for the protection of transgender rights.

However, the implementation of these legal frameworks, particularly concerning the transgender community, remains a persistent challenge. The following discussion sheds light on the violation of transgender rights in Lahore, exploring instances where fundamental human rights, both internationally recognized and enshrined in Pakistani law, are compromised.

Right to Life and Security (Article 3 of UDHR)

Despite constitutional guarantees and international commitments, transgender individuals in Lahore face severe threats to their right to life and security. The alarming rate of violence, including murders, assaults, and harassment, reflects a failure to provide a safe environment for the transgender community. For instance, during an interview, a transgender individual shared their experience, stating, "I have personally faced verbal and

physical abuse in Lahore. Walking down the street is a constant struggle, as people often hurl insults and threats. There have been instances where I feared for my life due to the rising violence against the transgender community."

Right to Privacy (Article 12 of UDHR)

The right to privacy is routinely violated as transgender individuals are subjected to societal discrimination and invasive behaviors. Incidents such as forced disclosure of gender identity and lack of protection against discrimination infringe upon their right to privacy. One interviewee expressed, "In our daily lives, people often invade our privacy by asking intimate questions about our gender identity. It's as if our right to keep personal aspects confidential is not respected." Such constant infringements underscore the challenges faced by the transgender community in Lahore in securing their right to privacy.

Right to Education (Article 26 of UDHR)

Education, a fundamental right, is denied to many transgender individuals in Lahore. The lack of inclusive policies, coupled with societal prejudice, results in limited educational opportunities, perpetuating a cycle of illiteracy and limiting their access to better livelihoods. An interviewee shared, "Many of us have experienced bullying and discrimination in schools. Teachers and fellow students treat us differently because of our gender identity. This hostile environment hinders our access to quality education and perpetuates ignorance about transgender issues. Students call us with the derogatory names, 'Khusra', 'Hijra', 'Zanana' etc.

Right to Work (Article 23 of UDHR)

Discrimination in the workplace is a stark reality for transgender people in Lahore. Limited job opportunities, coupled with hostile working conditions and derogatory treatment, undermine their right to work in just and favorable conditions, as mandated by international human rights standards. One interviewee expressed, "Finding employment as a transgender person is extremely challenging. Employers often reject us based on our gender identity, and even if we secure a job, the working conditions are hostile. We are confined to specific professions and subjected to derogatory remarks, making it difficult to exercise our right to work with dignity." These challenges underscore the persistent violation of the right to work for transgender individuals in Lahore.

Right to Health Care (Article 25 of UDHR)

Transgender individuals often face barriers in accessing healthcare services, leading to higher health risks. The absence of adequate medical facilities, coupled with societal prejudice, hinders their right to health care, impacting their overall well-being. One interviewee shared, "Healthcare facilities are not transgender-friendly. The staff often lacks sensitivity and understanding of our unique health needs. Many of us avoid seeking medical help due to fear of discrimination. Even basic healthcare services become a struggle, and transgender individuals are left with compromised health rights." The violation of the right to health care highlights the urgent need for inclusive and sensitive healthcare policies and practices in Lahore

Right to Dignity (UDHR Preamble)

Dignity is a basic human right, but transgender individuals in Lahore experience degradation, cruel treatment, and humiliation. Society's failure to treat them with respect and value, along with prevalent stereotypes, leads to the violation of their inherent right to dignity. An interviewee lamented, "We are often treated as if we are not worthy of respect and dignity. People mock us, make derogatory comments, and deny us basic human decency.

This constant degradation undermines our sense of self-worth and makes it challenging to live a life of dignity." The violation of the right to dignity emphasizes the crucial need for societal awareness, education, and advocacy to promote a culture that respects and upholds the inherent dignity of all individuals, irrespective of their gender identity.

Right to Favorable Conditions of Work (Article 23 of UDHR)

Transgender individuals in Lahore often face unfavorable working conditions, including discrimination, harassment, and limited job opportunities. Many are relegated to low-paying and demeaning jobs, such as sweepers or maids, with minimal pay and poor working environments. The negative attitudes of colleagues and staff contribute to a hostile workplace, hindering the transgender community's ability to work in just and favorable conditions. This violates their right to freely choose employment under Article 23 of the Universal Declaration of Human Rights. A respondent highlighted, "Securing decent employment is a significant challenge for us. Employers often reject us based on our gender identity, and those who do hire may subject us to harassment and unequal treatment. This denies us the right to fair and favorable conditions of work, impacting our overall well-being and economic stability.

Right of Registration and Nationality (Article 15 of UDHR)

The right to nationality and registration is denied to many transgender individuals in Lahore. Limited awareness, social pressures, and discriminatory behavior at institutions impede their access to essential documentation, restricting their ability to enjoy full citizenship rights. An interviewee expressed, "We face challenges when we want our identity to be reflected on the CNIC according to our choice. The process is cumbersome, and officials often exhibit insensitivity towards our gender identity. They don't understand the importance of having accurate documentation that aligns with our true selves. It creates a constant source of anxiety and can lead to various forms of discrimination in everyday life." This disparity in identity recognition on official documents underscores the urgent need for more inclusive and respectful registration practices, emphasizing the existing gaps in implementation despite legal provisions.

So, violence against transgender individuals in Lahore remains largely unreported, with numerous instances of forced marriages, emotional and physical abuse, and even killings. Hate crimes targeting transgenders often go unnoticed due to factors such as familial disownment, where victims have no one to report the crimes. Socially, transgenders face derogatory labels like "Khusra" or "Hijra," perpetuating stigma and discrimination regardless of their level of education. Moreover, health issues plague the community, exacerbated by poverty and lack of access to psychiatric care and transitioning facilities. Many resort to unsafe practices like self-castration and hormone use, risking their well-being. Inequality is rampant, with transgenders marginalized and rejected by their families and society at large. Illiteracy rates among transgenders are high due to parental rejection and societal pressures, depriving them of educational opportunities. Disowned by their families, many turn to the guru-chella system for survival, where they face exploitation and risk involvement in crime or prostitution. Employment prospects are dismal, with transgenders facing discrimination and violence in the few workplaces available to them. Torture and harassment, both social and physical, are pervasive issues, further perpetuating their marginalization and psychological distress. Under-documentation in official records like the census and CNICs exacerbates their marginalization, hindering access to employment, quotas, and financial aid programs. Overall, the transgender community in Lahore grapples with multifaceted challenges stemming from societal attitudes, institutional neglect, and systemic discrimination, necessitating comprehensive policy reforms and societal shifts to ensure their rights and well-being.

Life Experiences of Transgenders in Lahore

Breaking Chains: The Resilient Journey of Izza Malik - A Glimpse into Transgender Struggles in Lahore

In the heart of Lahore, in an area known as 'Khusron wali gali,' a community of transgender individuals resides, navigating the challenges imposed by societal norms. One such individual, Ahmed, now known as Izza Malik, offers a glimpse into the struggles faced by transgenders in Lahore. Born in Mehmood Booti, Izza's childhood was marked by societal expectations conflicting with his gender identity. Despite initially conforming to societal norms, he eventually embraced his true self, leading to rejection by his family. Kicked out of his home at a tender age, Izza sought refuge with a Guru, adopting the identity of a female.

Izza's journey reflects the intersection of familial, societal, and educational challenges. Rejected by both family and school, she encountered mockery and discrimination. Despite attempts to pursue education, societal prejudices forced her to leave school after matriculation. However, with the support of her Guru, Izza found solace in becoming a tailor, escaping the stereotypical role of a street dancer. Her story underscores the significant role families, educators, and society play in shaping the narrative for transgender individuals.

Analyzing Izza's experiences reveals systemic violations of constitutional and international rights. Parents, as primary influencers, hold a responsibility to foster a nurturing environment, challenging societal norms. Teachers, instead of reinforcing stereotypes, must educate students on respecting diverse gender identities. The broader society needs a paradigm shift towards acceptance, teaching future generations to embrace diversity. Finally, the government must take proactive measures to address discrimination, opening avenues for education and employment for the transgender community. Izza's journey exemplifies the urgent need for comprehensive societal and policy changes to ensure the rights and dignity of transgender individuals in Lahore.

Hashir: Navigating the Struggles of Transgender Identity in Lahore

Hashir, an educated transgender in Lahore, presents a unique story of grappling with identity and societal expectations. Assigned male at birth, Hashir gradually discovered a misalignment between the assigned gender and her true identity. Despite hailing from an educated family, Hashir faced challenges in acceptance. Her family, while not disowning her, treated her unequally, imposing restrictions on her daily life. Hashir's childhood memories are marred by instances of discrimination in religious education and social gatherings.

Educated and aware, Hashir pursued ACCA and secured a job in an NGO, choosing to live independently due to the restrictions imposed by her family. While her education shielded her from outright abandonment, societal norms subjected her to emotional and psychological challenges. Hashir's story reflects a struggle for acceptance within a family that, while providing educational opportunities, struggled to fully embrace her transgender identity. Her decision to live separately exemplifies the need for broader societal acceptance and understanding.

Hashir's journey illustrates the evolving landscape for transgender individuals, driven by the emergence of NGOs like the Khawaja Sira Society. Founded in 2012, this organization on PECO Road in Lahore endeavors to uplift transgender communities by addressing health, education, employment, and advocacy needs. Hashir's resilience in the face of adversity and her commitment to the NGO exemplify the potential for positive change.

While Hashir's story signifies progress in acceptance, the broader societal attitude towards transgender individuals remains a critical challenge. Despite increasing awareness and success stories, there persists a pressing need to alter parental, societal, and national perspectives on transgender lives. The narrative calls for a shift in perception, emphasizing that being transgender is a normal aspect of diversity, deserving of respect and understanding.

Findings

The findings reveal pervasive challenges faced by the transgender community in Lahore, including systemic discrimination, limited access to healthcare, and social exclusion. Despite legal safeguards, violations of their rights persist, underscoring the gap between legislation and lived realities. The study also highlights the urgent need for targeted interventions to address these challenges and enhance the well-being and societal standing of transgender individuals in Lahore.

Conclusion

Despite Pakistan being a signatory to key human rights charters such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), the transgender community faces persistent challenges. The study underscores the disconcerting reality that legal frameworks and constitutional guarantees often fall short in translating into tangible protection for transgender individuals. The legislations like Supreme Court's 2009 Decision on Third Gender Recognition, Transgender Persons (Protection of Rights) Act 2018 and other provincial legislations remained a piece of paper. By examining specific rights, it is evident that the right to life and security remains severely compromised, as violence and harassment persist at an alarming rate. Furthermore, the right to favorable conditions of work is systematically violated, with transgenders facing discrimination, harassment, and limited employment opportunities. The right to privacy, a fundamental aspect of human dignity, is also undermined, reflecting a broader societal reluctance to acknowledge transgender rights.

Real-life interviews with individuals like Aizaz and Hashir shed light on the multifaceted struggles faced by the transgender community. Aizaz's journey, marked by familial rejection and societal prejudice, highlights the systemic failures contributing to the violation of constitutional and international rights. On the other hand, Hashir's experience, coming from an educated background, illustrates that even awareness and education may not shield transgender individuals from discrimination and exclusion.

Despite these challenges, the stories of resilience emerge. Aizaz's transformation into Izza, finding empowerment in tailoring, and Hashir's pursuit of education and employment reflect the potential for positive change. Nonetheless, the broader context demands urgent attention and systemic reforms. The government, educational institutions, and society at large need to collaboratively work towards dismantling discriminatory attitudes, promoting inclusivity, and ensuring the effective implementation of existing legal protections.

In essence, this research underscores the critical need for comprehensive policy measures, educational reforms, and societal shifts to foster an environment where transgender individuals can exercise their rights freely. The struggle for transgender rights in Lahore echoes the broader global discourse on human rights and social justice, emphasizing the imperative for collective efforts to create a more inclusive and equitable society.

Recommendations:

- Ensure equal access to education and employment opportunities, fostering inclusivity.
- Enforce anti-discrimination laws to protect transgender individuals in the workplace and society.
- Establish specialized healthcare facilities for transgender individuals and reduce reliance on unsafe practices.
- Develop counseling and mentorship programs to support the transgender community.
- Ensure equal access to education and employment opportunities, fostering inclusivity.
- Establish specialized healthcare facilities for transgender individuals and reduce reliance on unsafe practices.
- Promote inclusive hiring practices and create job opportunities to reduce unemployment among transgender individuals.

References

- AHMAD, K. S. (2017, January). *Transgender Issues in Pakistani Community*. EUROPEAN ACADEMIC RESEARCH
- Foundation, A. (2016). *Silent No More Transgender Community in Pakistan*. USAID.
- Ilana Crome, L.-T. W. (2014). *Substance Use and Older People* (illustrated, reprint ed.). Arlington: John Wiley & Sons,
- Israr, A. F. (2016). *Transgender in Pakistan: A "Forgotten People"*. South Asia
- Helen, J. (2021). Rethinking Transgender Rights: An Analysis of Attitudes and Identity Ideology
- Jamil, S. T. (2014, March). Plight of Marginalized: Educational Issues of Transgender. *Review of Arts and Humanities*, 14.
- Mohyidin, R. (2019, January 22). *Transgender Rights, Pakistan has an Opportunity to be a Pathbreaker*, Amnesty International
- Raja, I. S. (2015, December 5). Transgender rights. *Dawn News*.
- Toppa, S. (2018, March 5). Pakistan's transgender community takes another step forward. *Al Jazeera*.
- Yasir, N. N. (2016, January). Education, Employability and Shift of Occupation of Transgender in Pakistan: A Case Study of Khyber Pakhtunkhwa. *Dialogue (Pakistan)*.