

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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PAKISTAN: REJECT PROPOSED ROLLBACKS ON THE TRANSGENDER PERSONS ACT

INTRODUCTION

The Protection of Transgender Persons Act 2018 in Pakistan, widely considered a positive step to advance transgender rights, is in critical danger. At the time of writing, amendments to the bill are being tabled in Pakistan's Senate, and National Assembly to undo key protections. These include removing the provision that allows for self-identification without undergoing a medical examination, replacing the word 'transgender' with 'intersex' in the act, and criminalizing the provision of gender-affirming healthcare. The Act has also been challenged in the Federal Shariat Court.

Amnesty International's analysis of the proposed amendments to the Transgender Rights Act has found that they violate safeguards set out in the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). As Pakistan has ratified both the ICCPR and CEDAW, it is duty bound to uphold the laws set out in these treaties. Allowing these amendments to proceed would be a violation of Pakistan's obligations under international human rights law.

Transgender people have been the target of a misinformation campaign, which has further enabled hostility, violence, and abuse against them. Transgender activists reported being targeted by social media campaigns, fueling anti-transgender rhetoric and inciting violence and hate speech against them. They reported receiving threats, having to go into hiding and amending their day-to-day routines to avoid being targeted. The attacks have become more brazen, and the fatalities continue to rise. Activists reported that 27 transgender people have been murdered from October 2021 to date.

This public statement highlights Amnesty International's serious concerns about the pattern of violations faced by transgender and gender diverse people in Pakistan, made more alarming by the impunity, misinformation and violence that characterizes their lives. If the proposed changes to the Transgender Rights Act are accepted, human rights violations against transgender and gender-diverse people will rise.

LEGISLATIVE CHALLENGES

The Transgender Persons (Protection of Rights) Act 2018 was drafted and advocated for by a broad group of stakeholders, including many transgender rights activists.¹ The draft bill was eventually signed into law and enacted in May 2018. It enshrined much needed protections such as the definition of a transgender person and access to legal gender recognition based on self-determination,² the rights to education and employment,³ and the prohibition of discrimination.⁴

The Transgender Rights Act 2018 was hailed as a progressive, landmark piece of legislation which was voted into law by both the government and the opposition and passed through religious groups such as the Council of Islamic Ideology⁵ and Jaamat-i-Islami, neither of which raised any concerns at the time.⁶

However, in November 2021, three years after the passage of the Transgender Act, Senator Mushtaq Ahmad Khan of the Jamaat-i-Islami, a conservative religious party, presented a bill seeking to amend the law. The proposed amendment sought to introduce a 'gender re-assignment board' comprising six "experts", that would then require transgender and intersex people to register themselves with the National Database and Registration Authority (NADRA) for their legal recognition, as determined by the "certification" of the medical board. It also prohibits the provision of necessary and affirmative healthcare

¹ GenderIT.org, *Digital Waves Of Hate: The Struggle Continues For Pakistan's Transgender Community*, 27 January 2023, genderit.org/feminist-talk/digital-waves-hate-struggle-continues-pakistans-transgender-community

² S. 3, Transgender Persons (Protection of Rights) Act 2018, na.gov.pk/uploads/documents/1526547582_234.pdf

³ S. 8 and 9, Transgender Persons (Protection of Rights) Act 2018, na.gov.pk/uploads/documents/1526547582_234.pdf

⁴ S. 4, Transgender Persons (Protection of Rights) Act 2018, na.gov.pk/uploads/documents/1526547582_234.pdf

⁵ Constitutional advisory body that advises the legislative arm of the government on whether laws conform with Islamic religious beliefs.

⁶ The Express Tribune, *Trans people decry objections to rights bill*, 20 September 2022, tribune.com.pk/story/2377584/trans-people-decry-objections-to-rights-bill

to transgender persons.⁷ Since then, five similar amendment bills have also been introduced in the Senate. On 26 September 2022, the Senate Chairman referred the amendment bills to the relevant standing committees for debate.⁸

The Senate Standing Committee on Human Rights presented its report on these amendment bills to the Senate on 4 April 2023, along with a consolidated draft that combines all previously introduced amendments.⁹ Responding to a letter requesting additional information that Amnesty International sent to the Senate Standing Committee on Human Rights on 28 April, Walid Iqbal, the Chairman, confirmed the proposal of a new Bill to repeal the Transgender Persons (Protection of Rights) Act, 2018. In his letter he states that this proposed new law would repeal and replace the Transgender Act to “attain consistency with the injunctions of Islam”¹⁰

The bill referred to as Khunsa Persons (Protection of Rights) Bill, 2023, replaces the term ‘transgender’ with ‘*khunsa*’ – a term used in medieval Arab jurisprudence to classify bodies with certain intersex characteristics. The Bill also proposes to create a medical board that would recognize ‘*khunsas*’ or intersex people after an ‘examination’. This would mean transgender people would be taken outside of the safeguards contained in the Act as the proposed amendment will only permit protections for intersex people.

The Khunsa (Intersex) Persons (Protection of Rights) Bill, 2023 recognizes limited intersex conditions and forces intersex people into the binary of ‘male’ or ‘female’. This may lend legal cover to medically unnecessary surgeries on intersex infants, a practice that already exists in Pakistan (that according to activists Amnesty International spoke with is also growing), and that should be prohibited.¹¹ The practice is not regulated as it is, and clause 13C of the proposed bill does not specify any age restriction or consent of the child in the provision of “gender corrective treatment.”

Experts from the United Nations have explicitly condemned such practices.¹² The United Nations Special Rapporteur on Torture states that “involuntary genital normalizing surgery”¹³ on intersex children would leave them with permanent, irreversible infertility and cause severe mental suffering.¹⁴ The Special Rapporteur goes on to say that these interventions “always amount at least to inhuman and degrading treatment, often they arguably meet the criteria for torture, and they are always prohibited by international law”.¹⁵

Additionally, the Khunsa (Intersex) Persons (Protection of Rights) Bill, 2023 criminalizes the provision of gender affirming healthcare by imposing a five-year-jail term and a fine of PKR 500,000 (approximately USD \$1,775). With the Jamaat-e-Islami and others lobbying to remove even these most limited legal protections to ‘those diagnosed with gender dysphoria’, transgender people would not be recognized by law and may even be at risk of criminalization in Pakistan.

On 13 February, 2023 the Senate Standing Committee on Human Rights, Pakistan issued a press release stating that “gender cannot be derived from internal feeling or internal sense of being, but instead may solely be derived from physical appearance, genital attributes and congenital ambiguities.”¹⁶ This statement implies a fundamental misunderstanding of what gender means, paving the way for even more danger to transgender and gender-diverse people. Through this, authorities are upholding gender-based stereotypes, which they should refrain from doing and actively challenge. Furthermore, this shows a disregard towards the abundant scientific evidence on the subject as well as the medical and psychiatric standards of care for transgender and intersex persons increasingly being adopted worldwide.

The Senate Standing Committee on Human Rights passed the Khunsa (Intersex) Persons Bill on February 17, 2023 and has presented its report to the Senate with its recommendation to introduce the Bill for a vote in the Senate. Should this Bill pass, it would be impossible for transgender persons, and in some cases, intersex persons, to attain documents to reflect their gender identity. The requirement to prove their gender identity before a group of people is a violation of their right to dignity and privacy, as protected by Article 17 of the ICCPR. By seeking to repeal the Transgender Persons (Protection of Rights) Act, 2018, Pakistan threatens to undermine its numerous obligations under the international human rights treaties and conventions that Pakistan has signed and ratified.

⁷ Dawn, *It seeks formation of medical board to recommend gender change instead of ‘self-perceived identity’*, 15 November 2021, www.dawn.com/news/1658276

⁸ Dawn, *Senate chairman refers proposed amendments in transgender rights’ act to standing committee for debate*, 26 September 2022, www.dawn.com/news/1712074

⁹ Senate of Pakistan, *Special Report on the Standing Committee on Human Rights*, senate.gov.pk/uploads/documents/1680584638_635.pdf

¹⁰ Letter to Amnesty International from Senator Walid Iqbal titled: *Request for Information: Transgender Persons (Protection of Rights) Act 2018*, received via e-mail on 9 May 2023

¹¹ The News, *100 infants with birth defects rehabilitated*, 3 March 2018, www.thenews.com.pk/print/287739-100-infants-with-birth-defects-rehabilitated

¹² Amnesty International, *Danish and German Authorities Failing to Protect Intersex Children from Invasive Surgery*, press release, 10 May 2017,

<https://www.amnesty.org/en/latest/press-release/2017/05/danish-and-german-intersex-children-scarred-by-invasive-surgery/>

¹³ UN Human Rights Council, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, Juan E. Méndez, 1 February 2013,

A/HRC/22/53, Para. 77, www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53_English.pdf

¹⁴ UN Human Rights Council, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, Juan E. Méndez, 1 February 2013,

A/HRC/22/53, Para. 77, www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53_English.pdf

¹⁵ UN Human Rights Council, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, Juan E. Méndez, 1 February 2013,

A/HRC/22/53, Para. 77, www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53_English.pdf

¹⁶ Senate of Pakistan, *Meeting of Senate Standing Committee on Human Rights held here at Parliament House with Senator Walid Iqbal in Chair*, 13 February 2023, senate.gov.pk/en/news_content.php?id=4779#:~:text=Therefore%2C%20the%20Committee%20unanimously%20decided,male%2C%20khunsa%20of%20and%20khunsa

Without any legal protections from discrimination, harassment, and violence on the basis of their gender identity and gender expression, transgender and intersex people risk being subjected to conversion therapy and other such medically dubious practices. Sophiya-Layla Afsar, a mental health counsellor, Amnesty International spoke with confirms the widespread use of conversion therapy. “Gender dysphoria is not understood in Pakistan, with many psychiatrists seeing it as psychosis and the person in question not being in touch with reality,” she added. Many end up being sent to faith healers, who can engage in dangerous methods. The amendments to the Transgender Rights Act may result in conversion practices becoming more rampant, as transgender identities will be denied and made invisible.

It is worth reminding that there is no medical or scientific evidence to support the success or efficacy of pseudoscientific practices that seek to alter the sexual orientation or gender identity of a person and a growing number of medical and psychiatric bodies globally have condemned such ‘conversion therapies’. An increasing number of states around the world have passed laws banning conversion therapy, with some jurisdictions considering it ‘fraud’ and ‘child abuse’. The UN Independent Expert on SOGIE has said that conversion therapy practices are “inherently discriminatory, that they are https://en.wikipedia.org/wiki/Cruel,_inhuman_and_degrading_treatment, and that depending on the severity or physical or mental pain and suffering inflicted to the victim, they may amount to torture”. He recommended that it should be banned across the world.

MISINFORMATION CAMPAIGN

A vicious misinformation campaign conflating the rights of transgender people with homosexuality has created a permissive environment for the challenges to the legislation. In a bid to justify the inclusion of a medical board to “approve” of the person’s gender ^[OOB], speaking to the media, ¹⁷ Mushtaq Ahmed Khan claims that a person should not be able to choose their gender and must adhere to the gender assigned at birth.¹⁸ He went on to claim that instead, these people should seek “psychological help” ^[OOB].

The proposed amendment further states that the Transgender Act may result in the “legalisation of homosexual marriages”,¹⁹ a deliberate tactic to garner support from the general public against the Act. This idea, that the Transgender Act allows same-sex marriage, has been weaponized by religious groups. For example, cropped or digitally altered photos of people were circulated online presenting them as ‘same-sex couples’ and claiming this to be evidence of ‘same-sex marriages’ in Pakistan.^{20,21} According to the activist, these images went viral and within days the campaign “eroded any positive image of trans people that was built over the years”.²² Similarly, misrepresented statistics and misinformation were presented in the Senate and public forums which fueled panic around The Transgender Act and transgender people.²³ These sensationalist claims, and the conflation of a person’s real or perceived gender identity with sexual orientation, in a country where consensual same-sex conduct are criminalized, has left transgender people even more vulnerable to abuse by law enforcement, harassment, arbitrary arrest, and prosecution.

Shahzadi Rai, a prominent transgender activist and community leader described the misinformation campaign as the “social murder” of transgender and gender-diverse people.²⁴ “Whatever little family acceptance that we had has also now vanished, because we’re accused of being ‘heretics’.”²⁵ she told Amnesty International, adding that “the propaganda being spread by Jamaat-e-Islami has become a reality for our families.”²⁶

Fawzia Arshad, a senator from Tehreek-e-Insaaf (PTI), a political party, proposed an amendment to the Act to the Senate which attempted to define a transgender person as a person who “keeps one hole for urination”.²⁷ This amendment would contravene any accepted definitions in international human rights law.

¹⁷ VOA, *Pakistan’s Progressive Transgender Law Faces Opposition 4 Years Later*, 28 September 2022, www.voanews.com/a/pakistan-s-progressive-transgender-law-faces-opposition-4-years-later-16768168.html

¹⁸ VOA, *Pakistan’s Progressive Transgender Law Faces Opposition 4 Years Later*, 28 September 2022, www.voanews.com/a/pakistan-s-progressive-transgender-law-faces-opposition-4-years-later-16768168.html

¹⁹ The Express Tribune, *Ji Senator tables bill on transgender rights*, 16 November 2021, tribune.com.pk/story/2329646/ji-senator-tables-bill-on-transgender-rights

²⁰ Amnesty International interview with Mehleb Shaikh on 21 March 2023 via Teams

²¹ Amnesty International interview with Mehleb Shaikh on 21 March 2023 via Teams

²² Amnesty International interview with Mehleb Shaikh on 21 March 2023 via Teams

²³ Soch Fact Check, *Politician misrepresents NADRA data as people who changed their gender*, 22 October 2022, www.sochfactcheck.com/jamaat-e-islami-mushtaq-ahmad-misrepresents-nadra-data-as-gender-reassignment-transgender/

Soch Fact Check, *NADRA’s removal of gender change clause has nothing to do with 2018 trans act*, 31 October 2022, www.sochfactcheck.com/nadra-removing-gender-change-clause-nothing-to-do-with-2018-trans-act-pakistan/

²⁴ Amnesty International interview with Shahzadi Rai on 22 March 2023 via phone

²⁵ Amnesty International interview with Shahzadi Rai on 22 March 2023 via phone

²⁶ Amnesty International interview with Shahzadi Rai on 22 March 2023 via phone

²⁷ Twitter, Muhrub Moiz Awan, 4 October 2022, twitter.com/TMItalks/status/1577255009447596032?s=20

RELIGIOUS STIGMATIZATION

On 18 September 2022, Senator Mushtaq filed a petition at the Federal Shariat Court against the Act, claiming that it would complicate the Islamic law of inheritance and trust.²⁸ Similarly, on 30 September 2022, the Jamiat Elema-e-Islam-Fazl (JUI-F), a conservative religious political party filed another petition at the Federal Shariat Court against the Act, claiming it was against Islamic beliefs.²⁹ The Court is still hearing petitions on this matter and has yet to make a ruling.

Commenting on these developments, Shahzadi Rai said that “transgender is the new *haram* in Pakistan” referring to the concept of impermissibility in Islam. On 27 September 2022, the Council of Islamic Ideology, a constitutional body that provides advice to the legislature on whether legislation conforms with religious beliefs, declared the Act as inconsistent with religious beliefs.³⁰ The Council requested the government form a committee to review the Act.³¹ On 16 March 2023, the Council declared self-perceived gender identity “un-Islamic” during a press conference.³²

Farhatullah Babar, a Council Member of the Human Rights Commission of Pakistan and former Senator said that after the Act was declared as ‘un-Islamic’ by religious groups, religious leaders rallied against the Act and asked the public to do the same.³³ As a result, Babar says the transgender people became “the target of increased hatred and violence and came under murderous attacks”.³⁴

In October 2022, on social media, hashtags such as #AmendTrans Act and “take back the vulgar bill”, referring to the Transgender Act, were trending.³⁵ Speaking to the media, Shahzadi Rai said that since the campaign there has been a spike in hate comments and trolling on their social media accounts.³⁶ Rai also explained that the deliberate misinformation being spread on social media has affected transgender people offline as well, with some complaints from transgender people that they were stopped on the street and questioned as to whether they were really transgender.³⁷ There is a real risk that the campaign may result in harassment, discrimination, and violence against the transgender community becoming normalized. Under pressure from religious groups, Ministry of Human Rights has recommended to wait for a decision from the Federal Shariat Court.

RESTRICTED ACCESS TO PUBLIC SERVICES AND ACTIVISM

For transgender people in Pakistan, access to healthcare, justice, housing, and employment is fraught with difficulty. Although the 2018 Transgender Rights Act bans discrimination in schools, public transportation and doctor’s offices, there are often shortfalls in implementation. As Mehleb Sheikh, a researcher and community educator, who worked on the 2018 Transgender Rights Act, explains, the Act was a mere “top coat” and even as the authorities celebrated and publicized appointments of transgender women as election observers and news anchors, stigma and the resulting isolation remain strong.³⁸

In March 2023, the annual Aurat March (Women’s March) was denied permission to hold the demonstration in the city of Lahore.³⁹ During their negotiations with the city government, the organizers were told that they could not include transgender rights as part of their agenda as the March was “only for women’s rights.” They also told the organizers that members of the transgender community should not be allowed to participate because their presence “would invite mischief.”⁴⁰ This was eventually struck down, and transgender people were eventually allowed to participate.

²⁸ Pakistan Observer, *Jamat-e-Islami turns to Federal Shariat Court against ‘transgender rights bill 2018’*, 18 September 2022, pakobserver.net/jamat-e-islami-turns-to-federal-shariat-court-against-transgender-rights-bill-2018/

This argument for the complete upheaval of the Transgender Act is largely based on the laws of inheritance in Pakistan, where a man receives twice as much as a women.

²⁹ Tribune, *JUI-F moves Shariat court against transgender act*, 30 September 2022, tribune.com.pk/story/2379353/jui-f-moves-shariat-court-against-transgender-act

³⁰ Tribune, *Transgender law provisions defy Shariah: CII*, 28 September 2022, tribune.com.pk/story/2378991/transgender-law-provisions-defy-shariah-cii

³¹ Tribune, *Transgender law provisions defy Shariah: CII*, 28 September 2022, tribune.com.pk/story/2378991/transgender-law-provisions-defy-shariah-cii

³² Dawn, *Transgender law comes under fire at CII meeting*, 16 March 2023, www.dawn.com/news/1742464

³³ FIDH, *Transgender persons under renewed attack in Pakistan*, 22 November 2022, www.fidh.org/en/region/asia/pakistan/transgender-persons-under-renewed-attack-in-pakistan

³⁴ FIDH, *Transgender persons under renewed attack in Pakistan*, 22 November 2022, www.fidh.org/en/region/asia/pakistan/transgender-persons-under-renewed-attack-in-pakistan

³⁵ Vice, *This Politician Wants ‘Transgender’ to Be Defined as People Who Pee With One Hole*, 7 October 2022, www.vice.com/en/article/v7vpb4/pakistan-fawzia-arshad-transphobia-transgender-act

³⁶ Vice, *This Politician Wants ‘Transgender’ to Be Defined as People Who Pee With One Hole*, 7 October 2022, www.vice.com/en/article/v7vpb4/pakistan-fawzia-arshad-transphobia-transgender-act

³⁷ Vice, *This Politician Wants ‘Transgender’ to Be Defined as People Who Pee With One Hole*, 7 October 2022, www.vice.com/en/article/v7vpb4/pakistan-fawzia-arshad-transphobia-transgender-act

³⁸ Interview over Microsoft Teams with Mehleb Sheikh, 22 March 2023

³⁹ AFP, *Lahore Authorities ban Aurat March*, The News, 4 March 2022

⁴⁰ A copy of the demands was seen by Amnesty International on 17 March 2023

IMPACT ON LIVELIHOODS

Economic hardship has only been exacerbated for transgender people since the misinformation campaign has gathered steam over the last few months. Transgender people are also forced to beg for alms at traffic lights, but there have been some incidents where they have been told not to touch the cars because they are 'heretics' and 'impure.'⁴¹ Transgender women were often hired to dance at weddings, an important source of income for them, but some transgender people have reported that political workers from Jamaat-e-Islami have shown up on some occasions and have threatened the hosts since the beginning of this year.

More recently, on 1 April 2023, Hina Baloch, a transgender activist, researcher, and organizer of the Moorat March, stated that a transgender person was forced to dance by government officials in exchange for a ration packs (being distributed by the government to marginalized groups to address the current cost-of-living crisis in Pakistan) containing dry rations in Gujranwala.⁴²

There are informal curfews in place in Khyber Pakhtunkhwa and Balochistan that prohibit transgender people from being in public spaces after midnight. Often, the police will detain them if they do not comply and take them to the police station, where there are frequent reports of them being stripped and humiliated. "There is no paper trail so these policies cannot be challenged anywhere, not with the government and not in the courts," added Mehleb.⁴³

THREATS AND VIOLENCE

Discrimination and inequality within the criminal justice system in Pakistan often contributes to a culture of impunity, with most crimes against transgender people going unreported, badly or not investigated at all.

On 23 February 2023, Marvia Malik, Pakistan's first transgender news anchor, was returning home from the pharmacy in Lahore when two men began firing a gun at her, an attack she says she narrowly escaped.⁴⁴ Just two weeks before, there were media reports of a transgender woman found hanging in Rawalpindi that police suspected to be murder.⁴⁵ In March, prominent trans community leader Shahzadi Rai posted a video of assailants that had come to her doorstep threatening to attack her with acid.⁴⁶ Arzu Khan, who has served as an employee in a government department and as a member of Dispute Resolution Council in Peshawar, faced assault by an anti-transgender group in September 2022 who targeted her in public because of her activism for the rights of transgender people.⁴⁷ Mehleb Sheikh told Amnesty International that despite the systematic violence faced by transgender people, they do not approach the state for any redressal.⁴⁸ The Khyber Pakhtunkhwa Human Rights Department also told the Human Rights Commission of Pakistan that they had not received a single case of violence against a transgender person since it was established.⁴⁹

This can be explained by the lack of trust there is in law enforcement to be able to handle cases of violence against transgender people. There is a dearth of sensitivity and gender training within the police, exposing them to even more danger. In parts of Gilgit-Baltistan and Azad Jammu and Kashmir, it is not uncommon for police to round up transgender women, detain them at the police station and in some cases, even strip them. Sheikh added that they have at times, even invited the press to bear witness. The victims rarely report these incidents out of fear of reprisals.⁵⁰ Rai also confirmed that many members of her community refuse to go to the police, even if they are facing the most violent threats and assault.⁵¹

CONCLUSION

The harassment, violence and discrimination faced by the transgender community in Pakistan has been coopted by conservative religious groups in a bid to ostracize and demonize a community with a rich history and cultural identity in the

⁴¹ Interview with Shahzadi Rai over phone, 22 March 2023

⁴² Twitter, Hina Baloch, 1 April 2023, twitter.com/surkhina/status/1642228439930351617?s=20

⁴³ Interview with Mehleb Sheikh over Teams, 21 March 2023

⁴⁴ Geo News, *Marvia Malik, Pakistan's first ever transgender TV anchor escapes gun attack*, 24 February 2023 www.geo.tv/latest/472734-marvia-malik-pakistans-first-ever-transgender-anchor-escapes-gun-attack

⁴⁵ The Express Tribune, *Transgender person's body found hanging in Rawalpindi*, 5 February 2023, tribune.com.pk/story/2399533/1

⁴⁶ Twitter, , Shahzadi Rai, 16 March 2023 t.co/sia4quc2tX /

⁴⁷ Facebook, Saida Waheed Gender Initiative at LUMS, *The Transgender Truth: Dispelling Myths, Centering Empathy*, 20 October 2022, www.facebook.com/genderatlums/videos/the-transgender-truth-dispelling-myths-centering-empathy/861283008645805/

⁴⁸ Interview with Mehleb Sheikh via Microsoft Teams, 21 March 2023

⁴⁹ Human Rights Commission of Pakistan, *Attack on transgender persons in Peshawar - fact finding mission* September 2022, hrccp-web.org/hrccpweb/wp-content/uploads/2020/09/2022-Attack-on-transgender-persons-in-Peshawar.pdf

⁵⁰ Interview with Mehleb Sheikh via Microsoft Teams, 21 March 2023

⁵¹ Interview with Shahzadi Rai over phone, 22 March 2023

country. The hard-fought gains for legal gender recognition that culminated in the passing of the Transgender Persons (Protection of Rights) Act 2018 are at risk of being reversed based on stereotypical and harmful views and a deliberate insidious misinformation campaigns. As such any amendments to the Transgender Act that seeks to reverse essential protections must not be accepted.

The Government of Pakistan must not forget that it is duty bound to uphold and protect the rights of all people, regardless of their real or perceived gender identity, gender expression, sexual characteristics or sexual orientation. Its failure to do so will result in them being in violation of their obligations in respect to local legislation as well as international human rights law.

RECOMMENDATIONS

Amnesty International calls on the Government of Pakistan to:

- Reject all proposed amendments to the Transgender Act that violate international human rights laws and standards.
- Stop any attempts at amending the Act that would prevent transgender people from obtaining official documents that reflect their gender identity without complying with abusive and invasive requirements.
- Respect, protect and fulfil the human rights of transgender and intersex people including the rights to privacy, to bodily autonomy and to non-discrimination by ensuring their access to legal gender recognition and protecting them from abusive and unnecessary health interventions and surgeries.
- Ensure transgender people can obtain legal recognition of their gender through accessible and transparent procedures based on self-determination, while preserving their right to privacy.
- Ensure legal gender recognition is not contingent on psychiatric diagnosis, medical treatments such as forced sterilization and genital reassignment surgeries, or other abusive or discriminatory requirements such as marital status or not having children. The administrative process must be quick, accessible and transparent based on individual self-determination
- Introduce legislation to ban so-called 'conversion therapies' on transgender and gender diverse people and medically unnecessary surgeries performed on intersex infants.
- Explicitly prohibit discrimination based on gender identity and expression in any existing and future laws
- Take measures to protect transgender and intersex people from gender-based violence and discrimination, including online and offline harassment and violence, and other human rights abuses by state and non-state actors and ensure that perpetrators are held accountable
- Take measures to ensure transgender people have access to the rights protected in the Transgender Act including but not limited to the rights to gender recognition, to freedom from discrimination and harassment, to inherit, to education, to employment, to vote, to hold public office, to health, to peaceful assembly, to freedom of movement and to property.
- Ensure that all allegations of gender-based and discriminatory violence are effectively, independently and impartially investigated and that perpetrators are held accountable in fair trials without recourse to the death penalty
- Ensure the full enjoyment of all economic, social and cultural rights of all people regardless of their perceived or real gender identity or sexual orientation, including the rights to health, to adequate housing, to education and to employment