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FROM MARGINS TO MAINSTREAM: TRANSGENDER RIGHTS IN PAKISTAN

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ABSTRACT

This article examines the account of transgender rights in Pakistan, how the trans population in Pakistan moved from being a group confined to the margins of society towards its increasingly central status through transformations in policies and legal frameworks that evolved. To fully comprehend this incredible change, the study offers an interdisciplinary investigation with legal insights and social explorations into first-person experiences. In this paper, the historical context from which transgender rights originated in Pakistan is analyzed to show why transgenders still face ruthless discrimination and exclusion, efforts that have sought to repair these wrongs and empower transgender. It will also flag the challenges and successes in realising trans rights. The study examines health care, schools and the workplace - but also how well transgender people are integrating into society more generally. Given that there is a deep-seated idealization in Pakistan regarding the transgender and intersex community, this study uses qualitative methods (e.g. conducting interviews). This qualitative study provides an enriched understanding of the trans

rights movement. Finished off with what Pakistan's transgender rights journey might teach other countries grappling with the same issues. It emphasizes the importance of implementing policies that include everyone, educating the public and passing laws to guarantee transgender people equal treatment.

Key words: Margins, Mainstream, Transgender rights, Pakistan.

Introduction

The struggle for trans rights has undoubtedly become one of the most important causes in contemporary human right debates, mirroring an international trend towards greater openness and respect of different gender expressions. The struggle of transgenders in Pakistan from being marginalized to mainstream Transgender people in South Asian societies or the Hijras have had a tricky relationship with society for centuries, meaning sometimes they were accepted and other times alienated. Though, the situation is transforming slowly due to modernization and legal reforms within Pakistani society (Khan, 2016). But what is at stake when we examine transgender rights in Pakistan goes far beyond to that of human and social justice. Isolated as social outcasts, these members of the transgender community in Pakistan suffer violence and discrimination on a daily basis to such an extent that it is virtually impossible for them to acquire education, a job or medical care (Jami 2012). Nevertheless, recent legislative changes such as the Transgender Persons (Protection of Rights) Act 2018 in India represent a major trend towards transgender rights and inclusion within Indian law (Majeed, 45-58.)

Pakistan was lauded globally around the world as front-runner in transgender rights since it passed a historic legislation called "The Transgender Persons (Protection of Rights) Act, 2018". The Act also included a broad definition of transgender person, wherein recognition was given to self-identified gender as per official documents. It ensured basic rights like inheritance, education and employment besides the right to vote or even move in public places. It was an important step towards reduction of discrimination and violence against transgender persons in Pakistan. Yet groups that say they represent conservative and religious values have hindered the implementation of the Transgender Persons Act. Social stigma causes trans people to suffer incalculably which is why it was a big and welcome Move by the parliament of Pakistan but during May 2023, Federal sharia court decided that; knowing yourself gender type is against Islam. The removal of the consensus process has caused outrage among activists, patients and some doctors because it jeopardies access by trans people to rights that have been hard fought for them. But the consequences of this decision have broader implications: it can be used as precedent to refuse legal gender recognition and further outlaw access to transitional care (International., 2023). The development would make matters worse for the transgender community, placing it at greater risk of abuse and violence in addition to limiting access to essential services .

The global community must step up to support the transgender rights movement in Pakistan and remind the nation of its international obligations under human rights law (Wikipedia, n.d). Ongoing advocacy, litigation and international pressure will be critical to enabling transgender people in Pakistan exercise all their basic rights with due dignity & respect (Zaman, 2022).

This paper seeks to understand the historical antecedents, present status and legal environment of transgender rights in Pakistan. It will also look at the impact media has on peoples' attitudes, advocacy and activism as well as government policies. The paper aims to shed light on Pakistan's progress as against global benchmarks and best practices, identify key gaps that can be improved upon further, and some recommendations for direction of the future.

Through this examination the research proposes to engage in a larger debate on transgender experience and argue for an enduring practice of cultivating a root tier understanding of gender diversity central to our future discourse around equal rights and inclusivity, transcending all borders as we move beyond simple changes that smooth over problems whilst ignoring deeper issues within our own movements.

Historical Context: Pre-Colonial and Colonial Periods

Keeping in line with the trends of changing dynamics within its society, South Asia and by extension countries like Pakistan have a history that is quite layered where transgender individuals are concerned. Prior to colonialism, transgender individuals most commonly called Hijras achieved a social status that allowed for the respect and perspective into what could be understood as reverence or oppression due to patriarchy in Indian context (Khan, The third gender: A cultural analysis of the Hijras of South Asia).

Hijras had spiritual significance in many pre-colonial South Asian societies. They were thought to have supernatural powers and partook in various religious right and social events such as births, weddings (whoever the priest blessed was henceforth acclaimed lucky of being prosperous fertile) etc. This spiritual and cultural significance was further cemented with their association to Hindu deities, more specifically ones demonstrating a dual gender identity. These communities typically lived at the margins of society and Hijras formed their own social structures that revolved around family networks (Nanda, 1999).

The Mughal era, 16th to the early 19th century Hijras have established interpersonal and symbiotic social/economic relations with men in their families or localized fraternal groups. In India, Hijras had long gained access to courts where they were eunuchs who played roles such as guards of harems and also advised in various major political matters and were often considered somewhat neutral by the nature that they did not have any maternal relatives or interests. This era was one of maximum social integration and acceptance for them, subsequently they also received respect & authority in the Mughal court. At the same time, there were dramatic transformations within Hijra social and legal status by British colonial rule. Hijras, by contrast, were objects of suspicion and disdain for colonial authorities imbued with Victorian morality and a strict dualistic conception of gender. As a consequence, Hijras found themselves criminalized under the Criminal Tribes Act of 1871 and were held up for extensive surveillance and persecution through this colonial gaze (Hinchy, 2014). While this legal order was institutionally discrediting the pre-existing patronage systems through which Hijras were traditionally supported, it at the same time delivered an analogous performance of systematically pushing them closer to fringes.

British colonial rule meant that Hijras lost some of their privileged social status. Through the dismantling of their traditional roles and economic support systems alongside legitimization inherently enforced colonial laws, they paved the way for a systemically discriminatory and

transphobic Pakistan that transgender individuals know so well today (Reddy, 2005). Colonization stripped away indigenous practices and imposed Western norms, precisely erasing the societal framework that allowed for a fluid notion of gender.

South Asia has been at the receiving end of hysterical colonial rule with potentially no queer individuals left behind. It automatically deprived them of a traditional role and right, but left behind much old bias which is still there. It is important to know this background history in order to follow the present-day struggles and activism of transgender communities in Pakistan. By discovering reasons in colonial history as well contextually for the resistance and survival of Hijra community it, accordingly; concrete support structure has ably grasped complex terrain to map their way forward social response complimentary legal rescue.

Objectives

1. To explore the historical development and positioning of transgender rights in Pakistan from pre-colonized through colonized times to recent history.
2. To examination of the implications in law reform, examining efficacy and challenges posed by a new act-The Transgender Persons (Protection of Rights) Act. 2018.
3. To highlight international perspectives on the rights of transgender people and What is a role can be played by the global community to support transgender rights in Pakistan.

Research methodology

This research paper assesses transgender rights in Pakistan by using a qualitative research methodology. This methodology includes numerous methods to theoretically frame the issue, as well as seek data on other parts of the puzzle. A wide-ranging literature review was carried out, including academic publications, legal texts and human rights reports as well as press articles. Drawing on local and international perspectives, this review will describe the historical background to transgender rights in Pakistan, outline changes made over time through legal frameworks that have emerged for safeguarding above-mentioned community members followed by concluding with highlighting current status of these individuals. In addition to this, content analysis will be done on the Transgender Persons (Protection of Rights) Act 2018 along with other legal documents. This analysis critically examines various provisions of the Act, its language and potential implications in line with human rights principles at international level as well as highlight areas where it falls short.

In addition, the study will conduct semi-structured interviews with key informants including: representatives of transgender rights organizations; legal experts m and not directly related to Health Law Program research areas (e.g. health law or discrimination); policy-makers at relevant provincial, national levels as well as members from diverse sectors affected by our research such individuals who may be either governmental actors, community advocates or activists; plus other stakeholders drawn largely but not exclusively workforce dependent experiences life worlds peoples living under conditions whereas gendered social texture paperwork represents everything else about where they come into contact them with particular attention paid specifically upon differing types trans folks held captive fold practice among which most say and

when answering. These conversations hopefully will give you an upclose and personal look at what the life of transgender people means, where they see things movmg in a good direction or getting stuck when it comes to protecting their human rights.

Moreover, the project will use case studies to examme a range of matters such as litigation tactics, cases of discrimination and advocacy strategies seen in Pakistan. Anthropologists will use these cases to highlight larger patterns and problems captured via the research.

A comparative analysis will be drawn to discuss how does Pakistan fairs in transgender rights observing on global and regional level; even by stating example of other countries state of affairs relating South Asia and globally. This comparative analysis intends to discover best practices, lessons learned and policy recommendations that can help advance transgender rights in Pakistan. This research, through these qualitative methods, aims to unpack the multiple ways in which transgender rights are understood and enacted for advancing knowledge; policy advocacy processes as well social change movements both within the domain of academia but IRL (in real life) too.

Transgender Acts of 2011 and 2018

The Transgender Persons (Protection of Rights) Act 2018 landmark law for transgender people in Pakistan the 2018 Act was developed as an improvement following previous work like the Transgender Persons (Protection of Rights) Act, which addressed gaps m protection for transgenders but did not see much implementation due to its non-regulatory nature.

The salient features and basic rights:

Significantly, the 2018 Act for the first time recognizes transgender persons' right to selfperceived gender. It allows individuals to switch their gender marker on official documents similar as passports & national identity card, without any requirement of medical intervention or certification from the healthcare authorities. This recognition is essential to affirm the this identity of transgender people and help bring their access to rights, which are fundamental for socially integrating them. The Act expressly prohibits discrimination against transgender individuals in other key areas of life, such as education, employment, health care and public accommodations. Whereas Gender Identity is specifically mentioned in the law, and it forbids discrimination on this base (Pakistan, 2018).

1. European foundation for the Improvement of living and working conditions, 2014: Right to education-non-discrimination in access (e.g. non-admission because of gender identity)
2. Right to Work: Discrimination in hiring, Focus on workplace settings.
3. Right to Health: The availability of transgender health-sensitive healthcare services.
4. Right to Housing & Public Spaces: The right to access public places and the protection from eviction on account of being a gender identified person.

The Act provides for the Transgender Welfare Boards at both central and State levels. The mam responsibility of the boards will be to address socio-economic issues pertaining m transgender

individuals, which includes their welfare promotion and social inclusion through vocational training opportunities as well healthcare provisions.

Although the 2018 Act contains many progressive provisions as above, it has faced difficulty in getting implemented. Like in many countries, challenges posed to the recognition and protection of transgender rights arise from long-established cultural norms that assert binary same-sex relationships incompatible with Islamic teachings which govern social relations (Human Rights Watch, 2023). These factors together result in the uneven implementation and availability of rights, especially across various areas within Pakistan.

The Transgender Persons - Protection of Rights Act, 2018 Is having an effect. While a few transgender persons have been able to use the Act effectively in order to become possible rights and access medical treatment which they require, most are not as fortunate. Ongoing legal challenges, including Federal Shariat Court verdicts that question whether the Act is compatible with Islamic values (Hussain, Transgender Pakistanis see a glimmer of hope in new rights law, 2023), highlight continued contests and reversals for transgender rights in Pakistan.

The Transgender Persons (Protection of Rights) Act 2018 heralds a significant step in the right direction for recognition and protection right from discrimination against transgender persons in Pakistan, if challenges related to implementation, enforcing provisions with appropriate enabling environment, public education on the information contained within law as well at large societal acceptability are met. Advocacy, continued legal reforms & community empowerment are all necessary in ensuring that trans rights become a reality and the ability to live free of discrimination and societal marginalization is a right for everyone.

Social and Cultural Perspectives and Challenges

Although the law was passed in 2018 called the Transgender Persons (Protection of Rights) Act, but there are still social and cultural barriers for transgender people living in Pakistan. However, conservative and religious groups who see transgender identity as against the principles of Islam opposed it . The latest blow was the Pakistani Federal Shariat Court's finding that parts of the Act pertaining to self-identified gender identity were in violation with Islamic principles (The Lancet Psychiatry, 2023). This decision will undermine the gains made to protect and affirm transgender people's rights, putting them at even greater risk for stigma, discrimination, barriers to essential services.

The struggle of transgender people in Pakistan is no different as they are also one of the most disadvantaged group who face social marginalization and don't have access to education, employment or healthcare. This often leads to individuals being forced into sex work or begging in order to make ends meet making the population even more at risk for violence and exploitation (VOA News, 2022). Trans children may be abandoned to live life on the streets with no family by their side. The way people in society view the trans community is influenced to varying degrees by a mixture of cultural, religious and historical events. In contemporary society, the traditional reverence for "Khawaja sires" in South Asian culture have transmuted into stigma and intolerance. The history of homophobic and transphobic colonial-era criminalization has resulted in harmful social attitudes

In the case of Pakistan, social attitudes towards transgender persons are often shaped by deeply ingrained cultural perceptions concerning traditional gender norms and religious beliefs. Transgender or Hijra communities have been an integral part of the ancient societies and native to South Asia for centuries, where historically they have played several cultural roles in ceremonies and religious aspects (Jami, 2019). Although transgender people have also been around for all of history, they continue to experience significant shame and discrimination. Transgender identities have traditionally been viewed through a religious or social lens that judges them as sinful, leading to their exclusion from working in normal society. Such attitudes only serve to keep alive long-standing stereotypes and myths about transgender people, ensuring continued exclusion from society at large as well as undermining economic opportunities and access to health care or education (Watch, 2023).

Although transgender women in Pakistan suffer from extreme forms of discrimination, like being beat up and verbally abused, but the most commonly faced kind is winter-bizarre reality widespread exclusion meliorating public spaces. Transgender people in Pakistan have also been targeted by discrimination within the workforce as they often struggle to find steady employment and equal pay which due largely, it seems, to societal prejudice towards them that has not extended legal protection (Khan M. , 2021). Another major issue is the availability of medical care. Healthcare providers are often uninformed or insensitive to the health binary needs of transgender patients, leading to insufficient care and biased treatment. Such acts of abuse have the consequence that many transgender people enter no medical clinic rather, as they engage in care avoidance behavior because they are frightened of a lackey attitude from professionals who exhibit prejudice against them on gender identity grounds (Hassan, 2022). There have also been few educational opportunities for transgender youth, with high dropout rates and even exclusion from some learning center's due to bullying and discrimination. Lack of inclusive policies and support environment is another barrier in the academic and personal development.

Transgender people, like much of the economically marginalized population in Pakistan also have to contend with issues such as poverty, disability and being victims or beneficiaries of geography. Transgender derived from marginalized communities such as those on rural areas or are resource less face more increased risk of discrimination and social bias leading to economic exclusion (International, 2023).

However, efforts on advancing legal reforms and raising public awareness by civil society organizations, transgender rights activists particularly within the community and with their allies have been prominent. This seeks to combat discriminatory attitudes in daily life, improve access from healthcare to education and generally uplift the living conditions for transgender individuals (Human Rights Watch, 2023).

Policy measures for addressing the social and cultural dimensions of transgender issues in Pakistan need to be multi-pronged strategies which should require changes at legislative as well as programmatic levels including legal reforms, public awareness campaigns along with community empowerment mechanisms. With a proactive approach to combating stereotypes, supporting inclusivity and working towards equal rights and opportunities for all gender identities - equity may not be impossible but is difficult in Pakistan.

Global Perspective and Comparative Analysis of Transgender Rights

Around the world, transgender rights and protections are influenced by cultural norms, political systems, law enforcement priorities and resources. This section offers an international comparison to exemplify best practices and challenges, focusing on the implications for Pakistan. There is some comparative work done, for example with the other regional countries of South Asia and at a wider global level to understand how Pakistani progress on transgender rights matches up against what others have achieved or are struggling with.

Internationally, large strides have been made when it comes to securing legal names and protections for transgender people. For instance, in Argentina a law was enacted requiring the government to use from anyone their social description and documentation materials that does not match gender identity, meaning that they have right to self-determination without surgery or medical tests. The Maltese law also adopts a wide human rights approach with nondiscrimination provisions, and the possibility to self-identify in line of Malta's Gender Identity, Gender Expression, and Sex Characteristics Act 2015 (Government of Malta. Germany also offers a legal basis for changing gender and thus supports the choice of an individual to decide on his or her own identity according by means of its Transsexuals Act.

That access varies by country and evidence is uniquely tied to the lives of transgender individuals worldwide. In the Netherlands, transgender healthcare and health is a well-forged component of society with comprehensive care to ensure that necessary treatments are fully insured (WPATH, 2017). Thailand has a state-of-the-art hospital for gender confirmation surgery; the process is broadly accessible and affordable. She said that anti-discrimination policies are essential to safeguarding the rights of transgender individuals. In Canada, the Government of Canada has published that Bill C-16 (2017) means to protect gender identity and expression as a Protected Ground in Amendments to Human Rights Act Offers Strong Protections against Gender Discrimination. Finally, the Human Rights Act 1993 of New Zealand also prohibits discrimination on the grounds of gender identity and enables transgendered people equal access to employment in a non-discriminatory manner.

While these are great strides, hurdles continue to exist worldwide. In the US, wide disparities exist due to the absence of federal protections (HRC, 2023), with restrictive laws in some states and transgender rights guaranteed in others. The lack of legal recognition for gender, and high social stigma present a particularly difficult environment in Russia (Human Rights Watch [HRW], 2021). All this just on the healthcare side, and that's not even accounting for health disparities like how there are long lists of transgender people waiting to see a gender identity clinic in places as progressive as United Kingdoms (Stonewall, 2022). In India, although transgender persons have the legal right to be recognized as such under Transgender Persons (Protection of Rights) Act, 2019 effective implementation is a challenge and healthcare access is low.

In a relative manner, Pakistan passed the Transgender Persons (Protection of Rights) Act 2018 to legally recognize and ensure rights for transgender people in response to their ability/incapacity based on self-ward off characterization yet additionally against segregation as they are encouraged protection or fitting training also livelihood Elsewhere (identity. However, these services are implemented inconsistently and there is limited availability of genderaffirming

treatments. The 2019 Act of India next door provides for legal recognition and bans discrimination but it is poorly implemented, not including self-identity provisions. While legal recognition is a step in the right direction, Nepal needs to accommodate this new gender for example when it comes things as simple and clean restrooms which might require significant adjustments.

Here, similar to the entire world there are social standards of acceptability and also a major obstruction in terms of anti-discrimination. This is the case even in countries with legal protection for people identifying as transgender In Bangladesh, where hijras are legally recognized as a third gender but still face limited social and cultural acceptance. In stark contrast to this is New Zealand's strong tradition of anti-discrimination laws and inclusive societal attitudes may well act as a model for greater social acceptance less stigma.

To help fix the situation, Pakistan should look at Argentina and Malta to further develop its legal framework for transgender rights that is as far-reaching welcoming a law which recognizes self ID without any medical demands. One of the keys to improve healthcare access is implementing best practices seen in countries like Netherlands and Thailand: training doctors, funds for insurance etc. Educational and public awareness campaigns can go a long way to promote social acceptance, as evidenced by the strides made in countries such as Canada and New Zealand. In addition, implementation is important so that transgender people can access their rights and protections in practice. Pakistan can learn from relevant global experiences and share common challenges so that it responds effectively to advance transgender rights. Legal reforms, better access to healthcare and societal acceptance are the necessary ingredients in this attempt towards creating an all-encompassing and just society.

Call for Upholding the Rights of Transgender Individuals in Pakistan

The maintenance and promotion of transgender rights in Pakistan is a key issue that will certainly be geared to upholding international human rights principles as well as current research conclusions. In 2018, the Transgender Persons (Protection of Rights) Act came into force leading to milestone legal amendments for transgender rights in Pakistan. Yet recent difficulties, such as the ruling of Federal Shariat Court calling into question certain provisions within it, affirm that wider legal coverage and social acceptability for transgender groups remains far from being realized. By using international human-rights standards that have been shown to be effective (such as those in Argentina's Gender Identity Law and Malta's Gender Identity, Gender Expression, and Sex Characteristics Act), Pakistan can adopt a legal system within the family code which would enable individuals struggling with such issues. The models focus on self-identification with mechanisms so as medical requirements are not compulsory offering the transgender a sense of control, dignity and autonomy. These are provisions that enrich us with valuable principles of non-discrimination and equality before the law, enshrined in international treaties such as the International Covenant on Civil and Political Rights.

In order to respect and protect the rights of transgender people in Pakistan, it is essential that law enforcement ensure adherence to the 2018 Act. This requires resolving legal ambiguities and unclarity concerning self-identification procedures, alleviating administrative and societal hurdles. Efforts to eliminate rampant stigma and provide transgender people with fair access to

opportunities will need re-thinking of consequences for violations against anti-discrimination statutes across domains, such as education, health care services, employment. Efforts will be needed in service provision and provider training to meet the unique needs associated with gender-affirming care, as access to healthcare continues to be a central issue. Models that are run in the Netherlands and Thailand underscore the significance of all-encompassing healthcare policies as well as inclusive service delivery for trans populations (Winter, 2018; WPATH ,2017). Such examples can be used by Pakistan to up its game in healthcare infrastructure, as well as run sensitivity training programmed for health care providers for an egalitarian society in Pakistan, social and attitudinal acceptance is essential. This type of education and awareness model, as can be seen from the examples provided by Canada and New Zealand is vital in disnlpting these stereotypes about transgender populations. Such efforts go long way to changing social attitudes and creating safe environment for the Transgender community.

The safeguarding and revocation of transgender rights in Pakistan requires targeted efforts, which as a whole emanate from the legally leveraged healthcare then society at large. This will assist Pakistan in affirming its commitment to universality and gender equality as mandated by international rights registries. Building society, through rights enacted in the 2018 Act and supported by increased access to healthcare and social inclusion is essential for transgender people living with dignity so they can participate fully in every aspect of life.

Future Directions

A multi-pronged approach is needed in order to take transgender persons rights and inclusion further in Pakistan. To address the continued challenges and gaps in implementation of The Transgender Persons (Protection of Rights) Act 2018, it is important for researchers to work alongside policy makers and civil society.

First of all, is basically the need for in-depth research on what it means to be a part of transgender community living and struggling every other day in different parts Pakistan. Further research should examine the repercussions of Federal Shariat Court decision on transgender community regarding their educational, health and occupational rights along with ferocity and marginalization. We are hopeful that this evidence-based research will guide initiatives and policies tailored to the needs of our women, men, and communities.

In view of this, the Federal Court has struck down some key provisions of Transgender Persons Act - policy makers must act immediately to revoke their judgment. Amnesty International has urged the government to consult with human rights organizations and legal expepts as well as individuals from the transgender community, in order to work towards ensuring that "the Act is fully compliant with international human rights standards and offers strong protections against discrimination based on gender identity and expression" (2013). The "Khuns Persons (Protection of Rights) Act 2022" should also be opposed, a bill that seeks to further criminalize gender-affirming care and deny the basic rights of transgender and intersex persons as well.

At the same time, state must put fund into wide range awareness raisimg programs against norms devaluation and discrimination with transgender community. It will require partnerships with schools, media and religious groups that focus on encouragmg understanding, compassion

and inclusion. Government capacity-building programs, police training and services should also be equipped to implement the Transgender Persons Act as well as translate into effective implementation of sensitive inclusive services. And of course, it is this last element that civil society organizations and transgender-led advocacy groups have a major role in continuing to make the voices and demands from the trans community heard around. These organizations must be focused on strategic litigation, and just as importantly lobbying efforts to bring about additional policy reforms from the legislation they have managed into law. Engaging transgender activists and organizations further by supporting their ability to lead will be critical for sustainable change that achieves legal gender recognition and respect, dignity, security, equality in all areas of life. This will allow Pakistan to take steps toward a more inclusive, just and tolerant society that guarantees, respects and protects the dignity of all its citizens including those from transgender community.

Conclusion

The rights and dignity of transgender individuals in Pakistan must be upheld and protected in accordance with international human rights standards. The Transgender Persons Act of 2018 was a landmark legislation that recognized the right to self-perceived gender identity and provided important protections against discrimination. However, the court's decision to deem certain sections of the Act as "un-Islamic" is a violation of Pakistan's obligations under international treaties like the ICCPR and CEDAW. Restrictive interpretations of religious precepts should not be used to deny transgender people their fundamental human rights. Pakistan must reject any proposed amendments that would undermine the rights and protections provided by the Transgender Persons Act and instead work towards its full implementation. Transgender individuals must be able to access identity documents that match their gender identity through a simple, self-determination-based process. Comprehensive research, targeted policy interventions, and collaborative awareness-raising efforts are crucial to advancing the rights and inclusion of the transgender community in Pakistan. Civil society organizations and transgender-led advocacy groups must continue to play a pivotal role in amplifying the voices and demands of the transgender community, holding the government accountable, and driving sustainable change. Only through a holistic, rights-based approach can Pakistan create a more inclusive and equitable society that respects and upholds the dignity of all its citizens, including the transgender community. The government must take immediate and urgent steps to protect the fundamental rights of transgender individuals and ensure their full participation in all aspects of society without fear of discrimination or violence.

References

- Hassan, S. R. (2022). Transgender Pakistanis see a glimmer of hope in new rights law. . Reuters.
- Hinchy, J. (2014). Obscenity, moral contagion and masculinity: Hijras in public space in colonial North India. . *Asian Studies Review*, 274-294.
- HRC. (2023). State Equality Index. <https://www.hrc.org/resources/state-equality-index>: Human Rights Campaign.
- Hussain, S. (2023). transgender Pakistanis see a glimmer of hope in new rights law . Reuters.

- Hussain, S. (2023). Transgender Pakistanis see a glimmer of hope in new rights law. Reuters.
- Hussain, S. (n.d.). Transgender Pakistanis see a glimmer of hope in new rights law. Reuters.
- International, A. (2023). Pakistan: Revocation of rights of transgender and gender-diverse people must be stopped. <https://www.amnesty.org/en/latest/news/2023/05/pakistan-revocation-of-rightsof-transgender-and-gender-diverse-people-must-be-s>, (p. 3).
- International., O. (2023). Pakistan Rolls Back on Transgender Human Rights. .
- Jami, A. (2019). Social Exclusion of Transgenders in Pakistan. *Journal of International Women's Studies*, 172-186.
- Khan, M. (2021). Legal analyses on rights to transgender: A case study of Pakistan. . *Pak. Journal of Int'l Affairs*, 737-739.
- Khan, S. (2016). Khan, S.. The third gender: A cultural analysis of the Hijras of South Asia . *International Journal of Humanities and Social Science*, 78-86.
- Khan, S. (n.d.). The third gender: A cultural analysis of the Hijras of South Asia. *International Journal of Humanities and Social Science*, 78-86.
- Majeed, A. N. (45-58.). Transgender rights in Pakistan: Evaluating the Transgender Persons (Protection of Rights) Act 2018. . *Asian Journal of Legal Studies*, 2020.
- Nanda, S. (1999). *Neither Man Nor Woman: The Hijras of India*. Wadsworth Publishing.
- Pakistan, N. A. (2018). *Transgender Persons (Protection of Rights) Act, 2018*. Islamabad.
- Reddy, G. (2005). *With Respect to Sex: Negotiating Hijra Identity in South India*. Chicago: University of Chicago Press.
- Watch, H. R. (2023, 1). Pakistan: Transgender people face challenges accessing ID cards. p. 1.
- WPATH. (2017). *Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People*. World Professional Association for Transgender Health. World Professional Association for Transgender Health.
- Zaman, S. (2022). Pakistan's Progressive Transgender Law Faces Opposition 4 Years Later. *Voice of America News*.