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Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action

Written statement* submitted by Victorious Youths Movement, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[8 February 2024]

* Issued as received, in the language of submission only.



Ostracised and Stigmatised: the Situation of Human Rights of the Transgender Community in Pakistan

November 11, 2023 Peshawar, Tahir alias Ghazal a transgender person, resident of Tehkal area on the outskirts of the provincial capital, was at her room when she was attacked and stabbed to death.

February 25, 2023 Pakistan's first transgender news anchor, Marvia Malik, survived a gun attack outside her residence in Lahore. The news anchor claimed that she had been receiving threatening phone calls and messages from unknown numbers for raising her voice for the transgender community.

Feb 13, 2023 an unidentified gunman killed one trans person and injured two other trans people, when the vehicle they were travelling in was ambushed in Pakistan's Kohat.

2016 Peshawar, 23-year-old Alisha is shot seven times and taken to Lady Reading Hospital. She bleeds to death in the hospital as the doctors and nurses argue whether they should take Alisha to the men's ward or women's ward while taunting her about being HIV-positive. Alisha was an avid activist for the transgender community and worked hard all her life to make a living. The morning after Alisha's death, an activist group called TransAction posted a status on Facebook directed to the local authorities saying, "Kill all of us."

These incidents are not uncommon. In urban Pakistan, it is through violent encounters with transgender bodies that toxic masculinities are relationally enacted. According to Pakistan's Trans-Action Alliance, since 2015, 91 trans women have been killed in Khyber Pakhtunkhwa province, and there have been more than 2,000 registered cases of violence. In contemporary Pakistan, the transgender community has been marginalised because transgender people don't 'fit into' existing gender categories.

Transgender persons of Khyber Pakhtunkhwa province are often killed for the sake of 'honour' by their male friends or partners. October 2021, Karachi, a 47-year-old transgender person Ghulam Mustafa, was killed in an acid attack. Ghulam was a victim of 'honour killing' and was attacked for flouting his partners orders to stay home and not meet other men. But the police, prosecution and even judiciary didn't look at the killings of transgender persons as 'honour killings.' "Since there is no legal status of a relationship between a man and a transgender person in our society and so, usually when male partner kills a transgender person claiming he's spent money on her living and other expenses, it is easy for the police to term it a money dispute and mention that in FIR," says transgender rights activist Qamar Naseem.

According to the World Health Organization (WHO), "transgender people" is an umbrella term for all people whose internal sense of their gender (gender identity) and expression are different from the social expectations of their biological sex at birth. In Pakistan transgenders are referred to as 'hijras' and the term is considered to comprise of Khusra (who has ambiguous genitals by birth), eunuch (a female soul in a male body who undergoes castration), and crossdresser (a male who disguises himself as a hijra), and are the subjects of ridicule, abuse, and violence. The term 'khawaja sira' is a respectable alternative of hijra for the community. They live on the margins of society with low social status and few employment opportunities.

Begging, singing, dancing and prostitution (including homosexuality) are their major earning activities. On account of these legally prohibited and socially abhorred activities of prostitution, begging, and drugs they become even more vulnerable and unable to seek protection of law enforcement agencies. These transgender persons mostly live with their gurus as their families abandon them.

In 2009, the Pakistani Supreme Court ruled in favour of extension of rights as citizens to Pakistan's transgender community, but the community continues to face the scorn and neglect by the society. But even though the Pakistani government recognises a third gender on ID cards, many people from the transgender community are hesitant to apply for it, because despite progressive legislation things continue to remain the same, as societal view of transgender people remains perverse.

Successive Pakistani governments have always shown resistance towards the issue of LGBT rights and never hid its intolerance, and political parties tend to avoid the issue or express opposition.

The Transgender Persons (Protection of Rights) Act enacted by the Parliament of Pakistan on May 18, 2018. Apparently, this law was the culmination of a process towards the rights of the gender-variant people that was kicked off by the 2009 judgement by the Supreme Court of Pakistan. In reality, despite its apparent claims and posture, the impact of the provisions of this law is less focused on the rights of the people it stands for.

Almost all prominent religious political groups were opposing the law that has already been enacted in 2018. Last year, on May 19, 2023, the Federal Shariat Court of Islamabad (FSC) announced its verdict on 12 Shairat petitions through which several petitioners challenged various sections of the Transgender Persons (Protection of Rights) Act. It ruled that sections 2(f), 3 and 7 of the Transgender Act 2018, which relate to gender identity, the right to self-perceived gender identity and the right of inheritance for transgender people do not conform with their interpretation of Islamic principles. The entire transgender/hijra/khawaja sira community is mourning the FSC's attempt to delegitimize the Act — which is already resulting in more violence and hatred towards their community.

The advocate in Pakistan argued in the Supreme Court of Pakistan that, “Any biological male person can get access to all the places which are secluded specifically for female genders, like girls educational institutions, schools and universities etc., girls’ hostels, hospitals and other places, where services are provided to women only. Similarly, the services and jobs, which are specially and specifically allocated to females can easily be misused by biologically male persons having a CNIC of ‘X’ gender mark issued by Nadra identifying him as a ‘transgender woman’ under this law, because by doing so, that biological male person cannot be stopped [from] avail[ing] any facility or privilege meant for women only.” Another concern was “biological men/boys” competing with girls/women in the same categories and “outperforming them in every sport”.

What such arguments fail to recognise is that Pakistan's ‘Khawaja siras’ are not asking for access to spaces where only women or only men are allowed — they are asking for their own third spaces, ‘X’.

Even though the Supreme Court of Pakistan had directed the National Database and Registration Authority (NADRA) to register eunuch and trans individuals for issuance of national identity cards to them for better mainstreaming, there are still no clear statistics regarding the number of gender-variant persons in Pakistan. The only official figure is available through the national census of 2017, during which 10,418 individuals identified themselves as ‘transgender.’ But given the definitional differences, lack of awareness and stigmatisation, this figure is nowhere near reliable.

Despite curiosity, the topic of homosexuality is taboo in Pakistani society, where sexual orientation is rarely discussed and the gay rights debate is non-existent. In metropolitan areas like Lahore and Karachi, private gay parties have been rampant for a number of years. And yet gays and lesbians in Pakistan have to be highly discreet about their sexual orientation. Ihsan, a gay man in Pakistan says, “Gays are often imagined to be promiscuous, irreligious, lacking family and societal values and without a sense of responsibility.”

Discrimination, marginalisation and stigmatisation is attached to the lives of most persons living as transgender in Pakistan. Drug usage and sexually transmitted diseases (STDs) are in higher prevalence among them than the rest of the local population.

Transgenders receive poor quality of healthcare services in Pakistan and suffer significant health disparities in multiple arenas. They are at risk of emotional and psychological abuse, physical and sexual violence, sexually transmitted infections, viral hepatitis and HIV, substance abuse, use of intravenous injections, depression, anxiety and suicidal thoughts. In 2009, some transgender women in Pakistan use hormones and silicone to bring focus on their feminine characteristics; however, this is usually done in terrible medical conditions without proper equipment and supervision, as expensive sex change surgeries in Pakistan are not done mostly due to lack of education on the topic and the taboos of society.

“Joyland” , a movie about a married man’s affair with a transgender woman has been mired in controversy due to recent bans on its screening in Pakistan over its subject matter and storyline, including a recent ban on screening in Punjab.

At a protest march taken out by of transgender activists and their supporters to campaign for equal rights and raise awareness of discrimination against the community in Karachi, on November 21, 2023 participants held a symbolic funeral for transgender victims of violence.

Pushed to the margins/peripheries of the society facing extreme levels of discrimination, rejection, stigmatisation, violence and “otherness,” years, both state and society have considered these individuals and their communities as “others”, “abnormal” or “threat to the structure of the society” a sentiment that frequently manifests itself in violent attacks against transgenders in Pakistan.
