

CHALLENGES AND SOLUTION FOR ENSURING EQUAL RIGHTS FOR TRANSGENDER COMMUNITY IN PAKISTAN.

Dr M.Qadeer, Abeeha Batool, Hijab Fatima ,Farwa Tasadduq

University of The Punjab, Lahore, Pakistan.

Abstract:

The State of Pakistan has often failed in providing substantive equality to its citizens. This paper analyses the right to equality in Pakistan from the perspective of the transgender community by delving into the legal and policy framework. By studying the Transgender Persons Act of 2018, and the jurisprudence developed by the Supreme Court of Pakistan, this paper reaches the conclusion that the framework of substantive equality is still lacking in Pakistan, and there is a need to bring the transgender community at par with the rest of the population through affirmative action by the State. Transgender persons can only be brought within the domain of formal equality once the social, economic and political discrimination against them has been eradicated. The fight for transgender rights is an indisputably important battle, especially in countries like Pakistan where legal, social and institutional impediments remain a major barrier. Drawing from five Read More → The post Give Me Equality or Gave Me Death: Protecting Transgender Rights appeared first on The Academic Society. Pakistan has seen some recent progress in both legislation and legal-facets such as the Transgender Persons Protection of Rights Act, 2018; nonetheless challenges continue to exist that impede its efficacy. Despite the presence of a glaringly long history, social stigma and legal discrimination continue to serve as enormous obstacles for transgender individuals when seeking education, healthcare or employment. In the case of advanced education, institutional biases and long-standing cultural bias have kept transgender students from accessing higher-education opportunities. Furthermore, the community is shunned and driven into poverty; thereby complicating their plight in this country. The responses to these issues will require greater policy enforcement, social awareness and an overarching culture that creates conditions for a level playing field. Advocates of rights however argue that legal reforms must be buttressed by attitudes' changing social mobilizations to reduce the bias privileged groups towards those considered outcasts in society. Providing for education and employment through affirmative action measures would also reduce disparities. Ultimately, ensuring legal and social justice as well which can greatly help them in creating ways for a more equal society making Pakistan safe again one transgender at a time.

Keywords:

Transgender Rights, Education and unemployment, Social Inclusion, Gender Aspects
Policy Implementation

Introduction:

Gender is one of the basic elements that socially constructs human personality and identifies one as either man or woman in society. Transgender is the individuals whose gender identity does not match the sex given at birth. There are at least 35 global cultures that have had a representation of transgender individuals. There are a number of theories based on cultural, biological, psychological, and other medical grounds about why transgender people exist. In Pakistan, they draw their cultural heritage from "khuwajasara" community who guarded the ladies of the harem during the Mughal times. In Pakistan, transgender individuals are forced to set their identity in gender binaries. Failing to do so led them to a number of issues from harassment to lack of education and employment opportunities ultimately leading to the increased plight and poor quality of living. While these challenges horrify society and portray how difficult their lives are, there are some great examples of people, who have broken the socially constructed barrier, and are succeeding in life while keeping their identities in existence. Also, few efforts like giving the status of the third sex in CNIC and reservation of 2% employment quota are being made to increase their visibility. Since the current picture of the transgender community in Pakistan is full of challenges with few dots of opportunities, pertinent steps, aimed at transgender empowerment and creating awareness in society, should be taken to change this picture.

The stigma and rejection of the transgender community would have remained status quo, with not much chance for reformation, had it not been for some legal progress. However, with the introduction of the Transgender Persons (Protection of Rights) Act, 2018, a unique landmark was created by granting transgender persons the right to self-identification, including protections in education, employment, health care, and public spaces; yet, from the perspective of implementation, there are dynamics of systemic barriers deeply rooted that create a rift between existence in theory and existence in practical application of these rights. The social problem with recognition rests at the very center of these challenges. Due to rejection from their homes, many are left without emotional and financial support, losing their chances to get an education and avail safe housing right from early childhood. Once in school, discrimination and rejection from peers and institutions set further barriers to their education and self-worth. In workplaces, harassment, bullying, and deprivation of equal job opportunities are just some of the problems faced, thereby pushing many toward informal sectors, or unsafe modes of livelihood to make their ends meet. This is fostering a vicious circle of economic disempowerment, poverty, and dependence that keeps them marginalized.

The psychic impact of this discrimination is severe. Constant social isolation, stigma, and violence manifest mental health problems among members of the community-marred depression and anxiety, suicidal ideation just to mention a few. Institutional discrimination in the form of negligence in serving the very basic dignity of a transgender person erodes their access to fundamental health, justice, and public services. Furthermore, ignorance, plus cultural and religious oppression, reinforce the idea that transgender identities are deviants or unnatural; hence, denying them acceptance within mainstream society. There are, nevertheless, solutions. Equal rights for transgender persons imply that not only legislative reforms have to take place but that a systematic change must occur in mindsets, policies, and practices. Targeting these barriers with equity, education based on the human experience, and inclusive workplace programs will begin to break them down. Such initiatives by communities, awareness programs, and mechanisms for accountability of institutions need immediate attention and action against discrimination. A transformation has to be realized when the community begins to chip away at the barriers maintaining transgender persons' existence on the margins of society, embracing them with respect and equality. The article will describe that the journey toward gender equality in Pakistan must not be symbolic but must confront real-life challenges. With the alignment of legal protections with reform in institutions, social acceptance, and inclusive development, it is possible to build a society where the transgender community is able not just to exist but to thrive in dignity, respect, and equal rights.

Research Questions

1. What are the legal frameworks and policies in Pakistan that support transgender rights, and how effectively are they implemented?
2. How do societal attitudes and cultural norms in Pakistan impact the lived experience of transgender individuals and their access to rights and resources

Research Questions

1. What are the legal frameworks and policies in Pakistan that support transgender rights, and how effectively are they implemented?
2. How do societal attitudes and cultural norms in Pakistan impact the lived experience of transgender individuals and their access to rights and resources.

Research Methodology

The Bumble Bee methodology is employed for the research on "Transgender Rights Theory and Practice in Pakistan." This methodology integrates various research methods, including qualitative approaches like interviews from some transgender foundations like the

Sathi Foundation and literature reviews, to gather comprehensive data. As a result, the incorporation of qualitative methods enables the researchers to have a more understanding of the lives and struggles of transgenders in contemporary Pakistan. Secondly, it is important to note that there is secondary data derived from legal components such as statutes and policies that provide appropriate data for the research. There are some limitations that need to be mentioned here, the first one is that there may be limitations in terms of expenditure and the second one is the amount of time that could be required to carry out extensive interviews and extensive literature reviews. Literature review The Article "Social Implications of transgender individuals (protection of Rights) Act 2018" by Muhammad Sharif in 2023 explores the implementation of the legal act which was passed in 2018. This act faces criticism from religious scholars. According to them, this act promotes the same homosexuality which is not allowed in Islam. This article described that this act creates a space of societal acceptance and social inclusion of transgender individuals. This study highlights the challenges which are faced by this act. This article does not explore how we can enhance the awareness among people to accept this transgender community (Sharif, 2023).

Research Methodology

The Bumble Bee methodology is employed for the research on "Transgender Rights Theory and Practice in Pakistan." This methodology integrates various research methods, including qualitative approaches like interviews from some transgender foundations like the Sathi Foundation and literature reviews, to gather comprehensive data. As a result, the incorporation of qualitative methods enables the researchers to have a more understanding of the lives and struggles of transgender in contemporary Pakistan. Secondly, it is important to note that there is secondary data derived from legal components such as statutes and policies that provide appropriate data for the research. There are some limitations that need to be mentioned here, the first one is that there may be limitations in terms of expenditure and the second one is the amount of time that could be required to carry out extensive interviews and extensive literature reviews. Literature review The Article "Social Implications of transgender individuals (protection of Rights) Act 2018" by Muhammad Sharif in 2023 explores the implementation of the legal act which was passed in 2018. This act faces criticism from religious scholars. According to them, this act promotes the same homosexuality which is not allowed in Islam. This article described that this act creates a space of societal acceptance and social inclusion of transgender individuals. This study highlights the challenges which are faced by this act. This article does not explore how we can enhance the awareness among people to accept this transgender community (Sharif, 2023).

In the article "Gender Identity and the Issues of Acceptance in Pakistani Community" by Muhammad Umair Ali he explores the obstacles encountered by the third gender in Pakistani society, noting a lack of emphasis on their rights despite substantial debate on gender equality, which mostly targets women's issues. Cultural conventions, societal values, and religious beliefs in Pakistan give little recognition or approval to the third gender, resulting in widespread familial rejection and societal discrimination. State actors and government entities have failed to emphasize the inclusion of the third gender, leaving them excluded from critical services such as employment, healthcare, education, and legal identity. They frequently experience homelessness and are forced into sex work, which exposes them to serious health hazards. According to social constructivism theory, societal approval and strong social interactions can help people achieve higher economic and social status. (Ali, 2020).

In his article “Legal Rights of Transgenders in Pakistan: Theory and Practice (Case Study of Faisalabad Division)” by Muhammad Arslan, the author emphasizes the rights of persons in Pakistan belonging to the transgender population, spotlighting the practices. As Islam addresses that everything is low and everyone should be given equal rights, the transgender people of Pakistan are not even acknowledged either by the government or by society. The difficulties of the Transgender people in Pakistan are described in the paper based on the following areas of concern. Lastly, in light of the collected primary data, this research is able to conclude that the government has not adequately enforced laws meant to protect the rights of the transgender population. The author also calls for education, health care, and future employment for the Tomboys and transvestites in the country (Arslan, 2018).

Transgender Rights and the Constitution of Pakistan

Transgender people have all the rights that are entitled to in the constitution of Pakistan. The Chapter of Fundamental Rights provided the legal recognition of transgender rights. The Constitution of Pakistan provides security to every person, article 9 states that "No person shall be deprived of life or liberty saved in accordance with law". Article 14(1) of the constitution provides the protection of human dignity, article 14 states that "The dignity of man and subject to law, the privacy of home, shall be inviolable." Article 25 (1) states that "All citizens are equal before the law and are entitled to equal protection of the law." This article provides the protection before the law to all citizens including the transgender people. Article 25(2) states "There shall be no discrimination on the basis of sex." This article prevents transgender people from all forms of discrimination (The Constitution of the Islamic Republic of Pakistan, 1973).

Transgender Person Act, 2018

On May 8, 2018, the National Assembly of Pakistan adopted the Transgender Persons Act 2018. The Act legally recognizes transgender people and forbids discrimination and harassment. It also placed obligations on the government to provide for the well-being of the community. However, subsequent challenges to the Act, including proposed modifications and a Federal Shariat Court decision, have raised concerns. The court's decision to invalidate provisions of the Act based on Islamic principles has provoked outrage and jeopardized the rights and protections of transgender and gender-diverse people in Pakistan. The Act's effectiveness has been questioned due to the lack of sanctions and enforcement measures, which hinder substantive equality and protection of transgender people. Key provisions of the Transgender Persons (Protection of Rights) Act, 2018

1. Definition of a transgender person
2. Recognition of gender identity
3. Protection against discrimination
4. Right to education, employment, healthcare, and inheritance
5. Establishment of safe houses and rehabilitation centers
6. Offenses and penalties

Transgender Person Act, 2018

On May 8, 2018, the National Assembly of Pakistan adopted the Transgender Persons Act 2018. The Act legally recognizes transgender people and forbids discrimination and harassment. It also placed obligations on the government to provide for the well-being of the community. However, subsequent challenges to the Act, including proposed modifications and a Federal Shariat Court decision, have raised concerns. The court's decision to invalidate

provisions of the Act based on Islamic principles has provoked outrage and jeopardized the rights and protections of transgender and gender-diverse people in Pakistan. The Act's effectiveness has been questioned due to the lack of sanctions and enforcement measures, which hinder substantive equality and protection of transgender people.

Key provisions of the Transgender Persons (Protection of Rights) Act, 2018

1. Definition of a transgender person
2. Recognition of gender identity
3. Protection against discrimination
4. Right to education, employment, healthcare, and inheritance
5. Establishment of safe houses and rehabilitation centers
6. Offenses and penalties

Identify conflict: problem in social recognition:

Transgender people, commonly known as “hijras,” have historically faced marginalization in Pakistani society. Even though the Hijra community has a long history in South Asian cultures, they are frequently excluded from mainstream social life because they are perceived as outsiders. Families, communities, and society at large find it difficult to accept them. As a result for many transgender people, the struggle with their gender identity becomes not only an internal one, but also a fight for basic human dignity and social acceptance. A large number of transgender people are not allowed to work in the official labor market because they are not socially accepted. Consequently, many are further marginalized as they are compelled to engage in sex work or begging in order to survive. Their battle for social acceptance is made worse by this economic instability. The transgender community often faces serious social exclusion and struggles with recognition. Many transgender individuals aren't allowed to live as their true selves and are pushed to fit into societal expectations that don't match who they really are. A lot of transgender people feel invisible in their communities, with little to no support or understanding of their rights. Kainat, a transgender activist, shared her experience in an interview: “Every day I face looks of disgust and whispers in public. When people hear my voice, they often laugh or make fun of me. It hurts, but I've learned to ignore it. Society doesn't see us as real people. We are pretty much invisible.” (Kainat, personal interview, 2024). Her words emphasize how widespread societal stigma makes transgender people feel unseen in Pakistan. Many experience rejection and bullying during everyday activities like shopping or relaxing in parks, simply because they don't follow the usual gender roles expected by society (Transgender Resource Center, 2023).

Family Rejection and Abandonment:

Transgender individuals often get abandoned by their families and face significant hurdles in finding a safe and affordable residence. Most of these people are forced to live in shelters or on the streets or in temporary arrangements, which ultimately leave them open to the further dangers of exploitation and abuse. Rejection from family often renders transgender individuals broke and destitute of the financial support or resources that would have otherwise been provided by the family. In Pakistan, discrimination against transgender people is commonplace, creating an adverse impact on their livelihood in terms of decent, stable, and well-paying employment. Most members of the transgender community end up in low-paying occupations, caught up in stigmatized roles as sex workers or beggars. An internalization of societal stigma can be shameful or leave guilt over gender identity. More so, such an emotional burden has been aggravated by family rejection, which only serves to validate such negative societal reinforcement. Being rejected by their families is one of the hardest things they go through. Cultural norms put huge pressure on people to conform to traditional ideas of gender. When transgender folks come out as themselves, families often reject them, disown them, or kick them out of their homes. Sana, a 25-year-old transgender

woman from Lahore, told her heartbreaking story: “When I told my family who I really was, they said I was cursed. My mom cried, and my dad said I would bring shame on the family. They told me to leave the house. I had nowhere to go and ended up living on the streets for months before finding shelter.” (Sana, personal interview, 2024). Sana’s story isn’t unique. Many transgender people are abandoned by their families and end up living in unsafe conditions without emotional or financial support (Human Rights Watch, 2022). Without family safety nets, many turn to survival sex work or rely on the transgender community just to meet their basic needs.

Harassment and Bullying at Work:

Harassment and bullying in workplaces are rampant for transgender individuals, both in overt and subtle forms. One of the common issues is to verbally abuse transgender employees with so-called coworkers misgendering them, slurring and offensive jokes and comments thereby turning the environment hostile and uncomfortable. Many transgender employees are also socially excluded, like being intentionally left out of meetings, team activities, or informal gatherings, which can lead to feelings of isolation. Others are discriminated against in hiring, promotions, or assignments; a bias could keep a transgender individual from getting an opportunity, or stereotypes could prevent the individual from being assigned to meaningful work. Sometimes threats will be made against them physically, or they will face intimidation, especially in settings where anti-discrimination policies are weakly enforced. This “coming out fear” situation put them under extreme mental stress and affected all aspects, including performance. When HR or management does not provide support, these problems are compounded: complaints go ignored or are not taken seriously. The list of experiences leads to anxiety and depression, and sometimes, an individual may feel compelled to leave a job to avoid a toxic environment. Discrimination and harassment against transgender people at work are common in Pakistan.

They often face verbal abuse, hostile environments, and are turned down for jobs simply because of their gender identity. Raza, who worked in a retail store in Karachi, shared his experience: “I applied for a position at a clothing store. They said I was overqualified, but during the interview, they immediately told me they weren’t hiring ‘my kind.’ It was so humiliating.” (Raza, personal interview, 2024). These incidents show how deep-rooted discrimination still is in workplaces, making it hard for transgender people to get jobs. Even if they do find work, many say they face ongoing harassment and exclusion from coworkers (Transgender Equality Project, 2021). They also often earn less than their cisgender colleagues and struggle with limited chances for promotions (Human Rights Commission of Pakistan, 2023).

Analysis of Transgender person protection act 2018:

The Transgender Persons (Protection of Rights) Act of 2018 was a major milestone in recognizing the rights of transgender people in Pakistan. It allows individuals to identify their gender on their own terms and grants rights related to inheritance, jobs, education, and health care. Still, putting these laws into practice has been patchy and inconsistent. Ali, a transgender rights activist, notes: “While this law was a huge step forward, its real impact has been limited. Many transgender folks still don’t know about their rights, and there aren’t enough concrete efforts to make sure those rights are protected.” (Ali, personal interview, 2024). Even with the law in place, many transgender people face ongoing discrimination, showing the gap between legal recognition and actual societal acceptance. Especially in rural areas, they continue to experience discrimination, and police and other authorities often aren’t prepared or equipped to protect them or enforce the law properly (Shah, 2021). The law permits self-identification of gender, yet this clause has been fraught with controversy and confusion. Many critics believe that the provision creates opportunities for misuse; some

might even support the argument that it undermines the entire notion of gender, as well as the potent defense of women's rights. So, backlash from conservative groups only complicates application of the law. Intersectionality, too, is not part of the Act, given that transgender individuals from marginalized communities, particularly the economically downtrodden, face compounded challenges in accessing rights. Another area is inadequacy of government presence in welfare support for the transgender group. Unlike having guidelines on how a fully-fledged support system would be established, with channels for healthcare, employment program, and educational support for this category of persons, nothing of the sort finds its place within the law. The law then establishes the commission of national transgender persons, which has been unable to perform much function because of a lack of funds, political will, and a shortage of trained professionals with the skills to implement and monitor the transgender-inclusive policies. The Transgender Persons (Protection of Rights) Act, 2018, is a commendable stride; however, it has not been completely operationalized and supported by the state. In addition, there is significant social stigma around the legislation, which impedes its ability to provide real protection and equality for transgender individuals in Pakistan.

Policy Vs Reality:

The difference between what the law says and what happens in real life is a big obstacle when it comes to enabling transgender individuals in Pakistan. While the law speaks progress, many transgender people still don't see real benefits or changes. Shabana, a transgender woman and community activist from Peshawar, shares her frustration: "The government passed this law, but it doesn't really change anything on the ground. I went to the hospital for treatment, and they refused to help just because I'm transgender. The law exists, but people's attitudes haven't caught up." (Shabana, personal interview, 2024). In everyday life, transgender people face discrimination in healthcare, education, and access to services. Despite the protections the law offers, they're still pushed out of society's main activities. This shows that passing laws alone isn't enough to change deep-rooted cultural attitudes and widespread biases (Rizvi, 2023).

Systematic barriers in educational environment:

There are several challenges currently facing educators and administrators in terms of insufficiently inclusive policies and awareness. Schools most often lack concrete guidelines or protections against discrimination based on gender identity, creating vulnerable situations for transgender students harassed and bullied even by staff members. All forms of disapprovals can be visible, such as denial of access to gender-appropriate restrooms, misgendering by teachers or peers, and exclusion from gendered activities like sports participation. Furthermore, few tele-mental health initiatives are inclusive and robust enough to address the needs of transgender students, dealing with issues including gender dysphoria, anxiety, and depression exacerbated by stigma. For some transgender students, dropping out of school or getting into academic limbo due to more compounded hurdles. There is also a strong indication that such absences are due to a lack of curricula reflecting or even mentioning transgender experiences; such absence does result in alienation. Moreover, even when such policies do exist, their inconsistent application becomes another hurdle for transgender students. The transgender student would rather not speak up for fear of further discrimination or in lack of trust in the support system. All these factors affect educational outcome and, crucially, overall mental and emotional outcomes. Such systemic issues can only be tackled through comprehensive training of educators, well-laid anti-discrimination policies, and a cultural driving shift in the education system. It lacks inclusive policies correspondingly by the educators and administrators. Often Schools are surrounded with no clear guidelines or protections against discrimination due to one's gender identity, and thus,

transgender students are underexposed at risk harassment and bullying even by staff members. Examples of such discrimination are misgendering by teachers and peers, disallowance from using appropriate gender restrooms, and exclusion from gendered activities such as sports. Furthermore, many inaccuracies regarding transgender students' needs are no longer obtainable by tele-mental health interventions. Being gender dysphoric, anxious, and depressed are among the concerns aggravated by stigma with association among stigma and such psychological conditions. By all such coalesced aspects, some transgender college students might have to drop out of college, while others might suffer poor academic performance as a result of such obstacles.

Lack of curricula that accurately reflect or include experiences of transgender people adds to the feeling of alienation and a sense on the outside. Furthermore, even when such policies exist, their inconsistent application becomes another hurdle for transgender students. For that matter, the transgender student would prefer not to speak up for fear of further discrimination or in lack of trust in the support system. All such things affect educational outcome as well as, just as much, overall mental and emotional outcomes. This then calls for comprehensive training programs for educators, a strong anti-discrimination policy, and a sweeping cultural change within the education system for greater acceptance and inclusion Widespread Barriers in Schools. In Pakistan often aren't welcoming or safe for transgender students. Many face bullying or harassment from classmates and sometimes even teachers. Most schools aren't ready to include or support transgender students, and many report being denied admission altogether because of their gender identity. Amna, a transgender student, and talks about her school experience: "When I tried to enroll, they told me there was no place for someone like me. I visited several schools, but no one accepted me. Eventually, I dropped out because I felt like I didn't belong or deserve an education." (Amna, personal interview, 2024). The lack of comprehensive policies and gender-sensitive education keeps transgender students out of school, limiting their chances for a better future. Without access to education, it's harder for them to find good jobs and break free from poverty (Pakistan Institute of Labor and Education, 2022).

Economics struggle and financial instability:

Many transgender individuals in Pakistan struggle financially. Without steady jobs or social support, many turn to informal, low-paying work or survival sex work just to get by. The absence of proper educational and vocational training has made their search for a decent job in the formal sector difficult. This directly leads to transgender people resorting to informal low-paying work like begging, sex work, and working in some other underbelly of the society. Even though transgender individuals have been recognized in law within Pakistan, the social acceptance is still away from inclusivity. Marginalization by families, communities, and employers stops them from achieving any financial independence or stability. There are no social safety nets or proper health facilities available to exacerbate their financial condition. In addition to these hurdles, they are frequently excluded from government welfare programs and suffer discrimination while trying to access healthcare, education, or housing. This also contributes to the perpetuation of poverty and economic instability. Transgender people who stand out may prefer to be invisible by choosing informal subsistence jobs essentially devoid of job or finance security.

Some policy initiatives have been undertaken with respect to the above, such as a 2009 Supreme Court verdict on the recognition of the rights of transgender people and 2018 transgender rights bill, however, implementation remains poor. The law offers protection; however, on the ground, there is often a divide. Transgender people continue to encounter difficulties in securing accommodation, obtaining jobs, and accessing finance in a society that largely stigmatizes or neglects them. Economic instability further feeds long-term social and

psychological damage, rendering it difficult for transgender individuals to liberate themselves from the vicious cycle of poverty. Irfan, who works selling food on the street, describes his economic struggles: “I work long hours in a small food stall just to survive. It’s tough, and I worry about harassment by police or people all the time. This is the only work I could find, but it’s barely enough to meet my basic needs.” (Irfan, personal interview, 2024). Because there aren’t enough legal job opportunities or social safety nets, many transgender people are stuck in unstable jobs and face ongoing poverty. They’re often forced into risky and stigmatized work, making it even harder to escape the cycle of hardship (Human Rights Watch, 2022).

Obstacles in Finding Job Opportunities:

Many transgender people face a lot of challenges when trying to find work. One of the big issues is the bias that happens at the time of hiring. A lot of employers have false impressions of transgender people, considering them not to be suitable candidates purely on the basis of their gender identity. There are times when applicants have to hide whether they are transgender or have to lie about their gender to avoid discrimination. This can lead to their own feelings of isolation and anxiety. Transgender people might also face some difficulties at work once they have got the job. They might have worries about harassment, bullying, or not being treated the same as everybody else, which might even stop them from applying for jobs in certain industries or companies. Non-supportive or inclusive workplace cultures of gender diversity intensify all these issues, as it becomes that much more difficult for a transgender person to survive or get ahead in his or her career. Transgender individuals especially face problems in terms of health coverage and access to resources wrangled at meeting transgender-specific needs. Again this is exacerbated by a lack of protective workplace policies against gender discrimination.

They may also suffer more difficulties in employment, particularly due to their increasing marginalization, through compounding factors like race, socioeconomic background, and educational attainment. In most instances, these end up being the causes of the highest rates of unemployment, underemployment, and poverty among transgender members. Increased social isolation combined with this lack of economic stability also creates greater mental health problems, forming a vicious cycle of exclusion and marginalization. Solutions to these barriers in employment will have to include multifaceted approaches such as sweeping anti-discrimination legislation, workplace inclusion, and establishing supportive policies ensuring the overall fair treatment and respect of transgender individuals at all touches of their professional lives.. A study by the National Center for Transgender Equality found that transgender individuals are more likely to be unemployed or in jobs that don’t fully match their skills compared to cisgender people. Often, when they apply for jobs, they get turned down because of outdated biases or unfair attitudes towards gender identity. Aftab, a transgender man from Lahore, shared his experience: “I have a degree in computer science, but no one will hire me. When I go for interviews, they look at me like I’ve done something wrong. I’ve applied to hundreds of jobs, but I never even hear back.” (Aftab, personal interview, 2024). His story shows that even with proper qualifications, transgender people still face discrimination which blocks their chances of getting a fair shot at employment (International Labour Organization, 2023).

Exclusion Affects Mental Well-Being:

Being left out or rejected can seriously affect a transgender person’s mental health, sometimes leading to anxiety, depression, or even thoughts of suicide. According to a study by the Transgender Resource Center, Tran’s individuals are at a much higher risk of mental health struggles compared to cisgender people. Many report feeling lonely, isolated, or have low confidence. This denial exists even in the medical field, whereby many transgender

persons cannot access medically indicated treatment due to either medical staff ignorance or open discrimination. There is constant violence and harassment against transgender people, frequently resulting in psychological trauma. Societal rejection without the backing of legal protection in many communities adds to stress, reducing self-worth among transgender people, which, in turn, aggravates their mental health problems like depression and suicidal tendencies. Mental health services that cater to transgender persons are difficult to obtain, which worsens their plight. Hence, the exclusion felt by them in every sphere is creating a mental health crisis, with many feeling helpless and abandoned. Sobia, a transgender woman from Karachi, opened up about her mental health: “I feel so alone, even though I have people around me. The bullying and feeling cut off from others affect me every day. I’ve tried to end my life twice, but I keep going because I believe I’m not alone in this.” (Sobia, personal interview, 2024). The emotional impact of being pushed aside is often overlooked in Pakistan. Without access to mental health support, many transgender people suffer in silence and feel deep emotional pain (Rashid, 2023).

Discrimination by Institutions:

Discrimination isn’t just personal—it happens across institutions like healthcare, education, and even in the justice system. Even though laws might protect transgender rights, many still face refusal of services or unfair treatment because of who they are. Healthcare workers sometimes refuse to treat Tran’s patients, and members of the justice system can treat them badly or even abuse them. Schools that are either unwilling or unprepared to accommodate transgender students often refuse to enroll them or provide them with a safe and supportive educational environment. Healthcare in general is a field that avoids transgender individuals with no provision for affirmative care, denying them adequate medical care and turning them off to treatment. Workplace discrimination is rampant, where either transgender persons are not recruited at all or are employed in low-paying unskilled jobs putting them in a category most vulnerable for economic marginalization.

Again, social disposition and cultural norms go against the lightning of trans persons; as such, many put up with street survival through begging or sex work. Legal protection with poor coverage in association with social stigma further deepens one’s systematic exclusion, only resulting in more sophisticated existence difficulties for both worthy living and security. Sikander, a transgender man who was refused healthcare, shared: “I went to the hospital for a checkup, but the doctor didn’t want to treat me. He told me to leave and find someone else. That made me feel useless. We aren’t treated like real people.” (Sikander, personal interview, 2024). This kind of widespread discrimination calls for serious reforms, making sure Trans people can access services without fear of judgment or unfair treatment (Rizvi, 2022).

Statement of Problem

A central problem in Pakistan identified is that human rights for transgenders are still not well endorsed and do not have adequate legal representation. This in turn develops a complicated issue that subsequently has significant impacts on the lives and opportunities of the transgendered society. They suffer indignities, prejudice, and prejudice which label them outcasts from mainstream society as they lack basic rights to basic necessities and opportunities in basic human needs, education, job, and health care. As a result, this exclusion perpetuates a cycle of marginalization, preventing them from living

Statement of Problem

A central problem in Pakistan identified is that human rights for transgender are still not well endorsed and do not have adequate legal representation. This in turn develops a complicated issue that subsequently has significant impacts on the lives and opportunities of the transgendered society. They suffer indignities, prejudice, and prejudice which label them outcasts from mainstream society as they lack basic rights to basic necessities and

opportunities in basic human needs, education, job, and health care. As a result, this exclusion perpetuates a cycle of marginalization, preventing them from living the marginalized and stigmatized status of hijras in Pakistan. The goal was to develop a scale to measure attitudes towards hijras within the hijra community. It also aimed to explore how gender and religiosity influence these attitudes. However, it does not explain which specific strategies or initiatives in Pakistan are aimed at promoting comprehensive legal protection and social acceptance of transgender rights (Kamal, 2015).

the marginalized and stigmatized status of hijras in Pakistan. The goal was to develop a scale to measure attitudes towards hijras within the hijra community. It also aimed to explore how gender and religiosity influence these attitudes. However, it does not explain which specific strategies or initiatives in Pakistan are aimed at promoting comprehensive legal protection and social acceptance of transgender rights (Kamal, 2015).

Solution:

When Attitudes Change, Reforms Follow :

Creating a more comprehensive society starts with changing how people think and feel about different genders. Education programs that challenge stereotypes and promote understanding of transgender identities are really important. Communities should talk openly about gender diversity, encouraging everyone to be more tolerant and empathetic. Seeing positive representations in media can also help shape public opinion and encourage acceptance. Society should be so enlightened and supportive that critical reforms-much-needed such as legal acknowledgment of gender identity, anti-discrimination laws, access to gender-affirming medical care, and protections from discrimination in employment and housing-would become possible. These legal changes are made possible by the broader recognition in society that transgender people deserve equal treatment and respect in society. Instead, these reforms often serve to create a reinforcing loop, with legal protection and visibility for transgender people further normalizing their rights within society and encouraging even more reforms. Ultimately though, public attitudes change further in inclusivity; governments and institutions increase the likelihood that policies would have to reflect such changing attitudes, living for more dignified and equal lives for trans people

Community based initiatives:

Community Initiatives That Make a Difference Local groups and organizations are essential in supporting transgender individuals. They offer things like job training, healthcare, and mental health services, which can truly improve lives. Apart from advocacy, community alleviations harbor the active support networks crucial for the enabling and sustaining lives of transgender people. They create safe havens where people can receive emotional support, mentoring, and information from others with like experiences; these networks give the transgender people with a sense of belonging and empower them to navigate life confidently. Many programs also focus on making sure that transgender people are able to access critical healthcare services of gender-affirming care, mental health support, and general healthcare needs that may otherwise be inaccessible to or discriminatory against them. These services are crucial in the regions or countries where barriers limit the access of transgender individuals to medical care or where the knowledge of the healthcare provider regarding transgender-specific needs is limited .Legal support represents another critical area in which community-based organizations provide valuable assistance. Many initiatives provide Trans people with resources and services pertaining to legal processes, such as name changes and gender marker changes, discrimination cases, and navigating complex legal systems that may otherwise marginalize them. By doing this, they ensure transgender people can fully realize their rights and live authentically.

These initiatives provide a platform for the expression of transgender people in the broader civil rights and social justice dialogue. By creating opportunities for leadership, these organizations amplify the voices of transgender people, ensuring that their needs and concerns are heard and addressed. These initiatives often partner with other marginalized communities, thereby building broader coalitions that strengthen the movement for equality, justice, and human rights in their entirety. Through these combined efforts, community-based initiatives play a monumental role in the advancement of transgender equality in such a way that transgender people can lead a life characterized by dignity, respect, and equal rights and opportunities like everyone else. Shamim, who leads a community-based transgender group in Islamabad, shared: “Our center offers shelter, education, and legal help. We aim to enable transgender people so they can stand up for their rights and live with dignity.” (Shamim, personal interview, 2024). These community efforts provide safe spaces where transgender people can get the support they need to thrive.

Raising Awareness with accountability:

It's important to raise awareness about transgender rights and make sure institutions are accountable for discrimination. Public campaigns, especially on social media, can help educate everyone about the challenges transgender people face and why rights matter equal. Governments should also make sure laws that protect transgender individuals are properly enforced and that those who discriminate are held responsible. Raising consciousness should entail sharing with the general public the peculiar difficulties surrounding the world of transgender people, including discrimination in life areas such as employment, healthcare, education, and housing. This will help to dispel myths, reduce stigma, and promote greater understanding of gender identity, engendering sympathy and support for the transgender community.

However, without accountability, awareness will amount to very little. Accountability, in this sense, is about ensuring that people, organizations, governments, and institutions are held responsible for pursuing the actual protection and promotion of the rights of transgender people. This may include enforcing anti-discrimination laws as well as access to gender-affirming healthcare, supporting inclusive policies in the workplace and in schools, and combating transphobia publicly and privately. When awareness and accountability go hand in hand, the environment becomes ripe so that transgender people can be recognized not only as human beings deserving of understanding, but also as others like anyone guaranteed rights and protections. Such wholeness will simultaneously build awareness at the grassroots and guarantee the structural transformation into systems that actually translate equality into a lived reality.

Human centered education approach:

A human-centered approach to education focuses on understanding, inclusion, and respect for all students, especially transgender students who often face misunderstanding, bullying, or feeling left out in traditional schools. To make this happen, schools should include thorough gender education in their lessons, starting from early childhood all the way through college. This means teaching about different gender identities, histories, and the contributions of transgender people across various cultures and eras. Teachers need to be properly trained to handle questions about gender in a kind and knowledgeable way. They should know how to use students' preferred names and pronouns, recognize the challenges trans students may face, and create a classroom environment that celebrates diversity. Schools should also put policies in place to ensure everyone feels safe and included. Education considers the unique needs of all students, including transgender individuals, it becomes a powerful tool for positive social change.

Foster inclusion in workplace:

Creating workplaces that are truly welcoming for transgender people isn't just about writing policies—it's about changing the way everyone behaves and thinks on a daily basis. Employers need to put clear anti-discrimination policies in place that protect against bias based on gender identity and expression, covering everything from hiring and promotions to health benefits and even layoffs. Practical steps include offering healthcare plans that support gender-affirming treatments like hormone therapy or surgeries, and making sure employees can access facilities that match how they identify. Providing guidelines and support for employees during their gender transition shows that the organization respects and values their identity. It's also really important to educate staff regularly through sensitivity training about gender diversity and unconscious biases. When workplaces are comprehensive, it boosts employee well-being and encourages a stronger, more positive culture—all of which benefits the company's overall success.

Equality focused strategies:

Focusing on equity is really important when it comes to tackling the unique challenges and widespread disadvantages that transgender people often face. Unlike simply treating everyone the same, which we call equality, equity means understanding that different folks have different needs and starting points. For trans communities, this could mean putting policies into place that actively support and include trans individuals, especially in workplaces or industries where they are underrepresented. Healthcare must be accessible and welcoming, with particular attention to trans-specific needs like hormone treatments, mental health services, and protection from discrimination in medical settings. Legal help is also critical—many trans people encounter obstacles when changing their names or gender markers, and discrimination can sometimes require legal action. It's also essential that governments and organizations distribute resources fairly, giving priority to trans-led initiatives, shelters, and services, especially those serving trans people of color or from low-income backgrounds.

When programs are designed to directly address these inequalities, we get closer to building a society that's fairer for everyone. Making real change toward gender equality involves transforming laws, institutions, and societal attitudes. Policy reforms should lead the way—reviewing and updating existing laws related to IDs, housing, healthcare, education, and criminal justice so they are free from gender bias and include protections for gender-diverse folks. For instance, national ID systems should let people self-identify their gender without invasive medical or psychological requirements. To create more comprehensive policies, it's important to have reliable data, which means including gender identity in surveys, censuses, and other data collection efforts. Representation matters too—trans people should have a say in decision-making spaces like politics, education, and business leadership. Raising awareness through campaigns and education can help break down stereotypes and replace misinformation with understanding. Widespread change isn't just about getting legal recognition; it's about changing the systems that have kept transgender people from fully participating in society.

Shift towards margins to mainstream:

Moving from being marginalized to being part of the mainstream means making sure transgender people and their experiences are woven into all parts of society, not just occasional mentions during diversity events. Trans identities should be normal and normalized in media, education, public life, and culture. This involves showing diverse and authentic portrayals of trans people in TV shows, movies, advertising, books, and art—representing them as real, multi-dimensional human beings rather than stereotypes. Schools, museums, and public celebrations should feature trans stories and perspectives alongside traditional narratives. Working with community groups can help share trans voices through

workshops, exhibitions, and storytelling. Visibility like this helps reduce stigma and shows that trans people are an integral part of our society, not separate or 'other.' Making trans representation mainstream also means promoting trans leadership and activism within broader social justice efforts, making sure their voices influence change across different areas.

Implementation of gender protection laws:

Putting gender protection laws into place is such an important step to protect the rights of transgender people. These laws should start with legally recognizing someone's gender identity, so people can update their official documents—like passports, driver's licenses, and birth certificates—without unnecessary challenges such as having to undergo surgery or psychiatric assessments. Anti-discrimination laws need to be crystal clear and include protections based on gender identity and expression in all parts of life—whether it's at work, looking for a place to live, school, or healthcare. It's also critical to have strong enforcement behind these laws—meaning there should be agencies that can investigate complaints, punish discrimination, and help educate everyone. Protecting transgender people from violence is especially important, since trans folks—especially trans women of color—face violence and hate crimes at much higher rates. Gender laws should include specific protections against hate crimes, support services for those affected, and proper training for police and law enforcement. To keep things consistent around the world, these laws should align with international human rights standards, like the Yogyakarta Principles. When laws genuinely protect trans people, they send a powerful message: transgender rights are human rights.

Right to Education, Employment, Healthcare, and Inheritance

This legal protection of Transgender people especially in Pakistan through the Transgender Persons Act of 2018 protected the rights of the Transgender in education, employment, health care, and inheritance which is in the process of social integration. Firstly, the Act guarantees equality in accessing education for transgender individuals and provides an opportunity to learn without barriers which has been a common issue for them in the past. Secondly, the legislation recognizes the right of Transgender persons to be given an equal chance at employment as any other candidate. Gender identity discrimination in employment during recruitment, hiring, promotions, and dismissals is prohibited by the Act in clear terms. Employers need to ensure that transgender people are respected in the workplace and can do whatever they want without these barriers or discrimination against them. Furthermore, The Act mandates the delivery of healthcare services that are fitting to the needs of Transgender, like the use of a competent hormone and sex-change operation.

It is imperative that various healthcare givers do not discriminate the transgender people and should treat them with an understanding that they are in search of healthcare that is specialized to cater to their unique needs. This clause aims to guarantee that a Transgender person has to get the vital therapeutic treatments that will endorse his/her gender identification as well as enhance health. As the preference of most healthcare services is with the provisions in the Act enhance physical and emotional health allowing the now accepted services can enable the Assisted Transition services clients to live true to themselves without prejudice. Finally, The Act guarantees that the property rights of any person who has undergone a Gender Confirmation Surgery 'transgender person' shall be protected under the law regarding their inheritance. This section initiates the exploration of how legally,

Conclusion:

To sum up, making sure that transgender people have equal rights means working hard over time to fix the legal and social obstacles they face. Laws like the Transgender

Person Act of 2018 have made good progress in recognizing and protecting their rights, but there's still a big difference between what the law says and what people actually experience in everyday life. Many transgender individuals still face rejection or abandonment from their families, harassment and discrimination at work, and a lack of support at school. These issues are worsened by economic struggles, limited job options, and mental health challenges caused by feeling excluded and marginalized. Getting true equality isn't just about passing new laws; it's about changing how society thinks and operates. To close the gaps, we need plans that aren't just on paper but truly work when put into action. This includes creating a supportive and comprehensive school environment for transgender students, making sure workplaces are fair, and building community programs that help enable transgender people. Changing societal attitudes is also key, which means running awareness campaigns and holding people accountable to promote acceptance and respect for diversity. Besides legal changes, real gender equality involves transforming all parts of society—healthcare, education, jobs, and public services. The goal should be fairness, making sure transgender people have the same chances and protections as everyone else. This means fully enforcing laws that protect against discrimination and violence and teaching future generations about transgender issues in schools to reduce stigma. In the end, creating equality for transgender folks is more than laws; it's about shifting how society thinks, understands, and acts. Achieving this will take teamwork from governments, organizations, businesses, and everyone in the community. By accepting inclusion, responsibility, and widespread change, we can build a world where transgender people don't just survive but succeed, with their rights respected and upheld with dignity and respect.

Nevertheless, there have been various attempts at ensuring that Transgender persons in Pakistan have access to constitutional rights. The subcontinent's gender identity discrimination starts with colonial regulations, hence equality as a right remains a primary one. Therefore the problem seems to prevail in Pakistan. However, Pakistan's way of solving this problem is wrong. The Pakistan Supreme Court and Parliament decided what was apparently equal victory was more important than justice and equality, it should have been the case. Violations of equal rights remain widespread among transgender citizens, and cannot be blamed for lack of meritocracy in the state. This is the only chance for their concerns to be addressed correctly. The Supreme Court Orders were the initial and significant triumph in the long and arduous process of educating Pakistan about the rights of the transgender community.

This partly meant that the Orders were legally acknowledging the existence of transgender, brought some positive changes with regard to the policy to transgenders, and provided a precedent for future transgender to approach the courts. They also play important roles in impacting the public discourse when it comes to the rights of transgender people. Thus they raised the issue of being Transgender to another level of public discussion that would pave the way for future legal amendments or, in the best way possible, a positive shift or change in society's attitudes towards Khawaja Siras and Hijras. However, in the recently passed Supreme Court Orders there were some basic mistakes done in the question of Gender identity of the Transgender people and they have used some wrong colonial terms for the designation of the Gender of the Transgender people. The Orders did not meet the expectations of an autonomous, equal, and democratic society that respects human freedom and rights, particularly in the use of language that focused on the disorder and disability and the convenience that transgender people posed when it came to particular jobs.

The impetus created by the Orders also enabled the passage of the 2018 legislation, which addressed several issues with the Supreme Court Orders. These reform initiatives had a beneficial impact, as seen by the inclusion of transgender candidates in the

2024 general elections. However, these gains have been modest, and numerous issues and failures endure. There is a need to modify the inheritance law and create an effective regulation for sex-change surgeries, as well as aggressive measures to influence social perceptions of transgender persons and improve their treatment by government authorities, particularly the police. There is an urgent need for persistent efforts by the federal and provincial governments to ensure appropriate implementation of these changes, which have the potential to gradually enhance the social and economic standing of transgender individuals in Pakistan. Otherwise, transgender persons in Pakistan would experience stigma, discrimination, harassment, and violence, and the government would continue to fail one of its most vulnerable and marginalized communities.

Reference:

- Abdullah MA, Basharat Z, Kamal B, Sattar NY, Hassan ZF, Jan AD, et al. Is social exclusion pushing the Pakistani Hijras (Transgenders) towards commercial sex work? a qualitative study. *BMC International Health and Human Rights*, 2012, 12(32). Retrieved
- Agrawal S. Transgender Community - They Are Neither a Sin, nor a Choice: An Analysis. *Indian Social Science Journal*, 2016, 5(1).
- Altaf A, Zahidie A, Agha A. Comparing risk factors of HIV among hijra sex workers in Larkana and other cities of Pakistan: an analytical cross sectional study. *American Psychological Association. Transgender People, Gender Identity and Gender Expression*, 2019. Retrieved from <https://www.apa.org/topics/lgbt/transgender>
- Baig HI. The Gender Guardian is giving Lahore's transgender community the skills to pay their bills, 2018.
- Bhatti Z. Gender Interactive Alliance – The Express Tribune Blog, 2015. Retrieved from <https://blogs.tribune.com.pk/story/26313/why-shouldnt-our-transgender-community-have-a-job-quota-in-punjab/>
- Bilodeau B, Renn K. Analysis of LGBT identity development models and implications for practice. *New Directions for Student Services*. 2005; (111):25-39.
- bisexual, and transgender (LGBT) people's evaluations of anti-queer violence. *Gender & Society*. 2012; 26(6):849-73.
- BMC Public Health, 2012, 12(1). doi: 10.1186/1471-2458-12-279
- Currah P, Juang RM, Minter S. editors. *Transgender rights*. U of Minnesota Press, 2006.
- Davis T, Wilson JM. Gender schema theory. *The Wiley Blackwell Encyclopedia of Gender and Sexuality Studies*. 2016; 30:1-3.
- Dawn News. Transgender community members get health cards in KP, 2019. Retrieved from <https://www.dawn.com/news/1480166>
- Divan V, Cortez C, Smelyanskaya M, Keatley J. Transgender social inclusion and equality: a pivotal path to development. *Journal of the International AIDS Society*. 2016; 19(3Suppl2), 20803. Doi: 10.7448/IAS.19.3.20803
- Ghumman T. Transgender population to be counted in population census for first time. *Dawn. Com*. Retrieved January 2017, from <https://www.dawn.com/news/1307376>
- Human Rights Watch. (2022). *Pakistan: Transgender Rights Violations*. HRW.
- Meyer D. An intersectional analysis of lesbian, gay,
- Ming CL, A Hadi M, M Khan T. Transgender health in India and Pakistan. *The Lancet Series on Transgender Health*, 2016. DOI [http://dx.doi.org/10.1016/S0140-6736\(16\)32120-1](http://dx.doi.org/10.1016/S0140-6736(16)32120-1)
- Patterson CJ, D'Augelli AR. editors. *Handbook of psychology and sexual orientation*. Oxford University Press, 2013.

- Rashid, A. (2023). Mental Health and the Transgender Community in Pakistan. Pakistan Journal of Psychiatry.
- Rizvi, S. (2022). Systematic Discrimination Against Transgender People in Pakistan. The Express Tribune.
- Saeed A, Mughal U, Farooq S. It's Complicated: Sociocultural factors and the Disclosure Decision of Transgender Individuals in Pakistan. Journal of Homosexuality. 2018; 65(8):1051-1070.
- Samaa TV. Census 2017: Over 10,000 transgender population in Pakistan | Samaa Digital. [online] Available at, 2019. <https://www.samaa.tv/news/2017/08/census-2017-10000-transgender-population-pakistan/> [Accessed 30 May 2019].
- Shah, N. (2021). Legal Implementation of Transgender Rights in Pakistan. Human Rights Commission of Pakistan.
- Stotzer RL. Violence against transgender people A review of United States data. Aggression and Violent Behavior. 2009; 14(3):170-9.
- Tabassum, S, Jamil S. Plight of Marginalized: Educational Issues of Transgender Community in Pakistan. Review of Arts and Humanities. 2014; 3(1):108-112. Retrieved from [http://\[PDF\] academia](http://[PDF] academia).
- Testa RJ, Sciacca LM, Wang F, Hendricks ML, Goldblum P, Bradford J, et al. Effects of violence on transgender people. Professional Psychology: Research and Practice. 2012; 43(5):452.
- Transgender Equality Project. (2021). Workplace Discrimination and Transgender Rights in Pakistan. International Labor Organization.
- Transgender Resource Center. (2023). Social Issues Faced by Transgender People in Pakistan.