

A Silent Battle

Bullying & Harassment of Sexual and Gender Minorities (SGM) in Pakistan

A COMPREHENSIVE STUDY

Study conducted by Raheem Baloch

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September 2019

This report in hand is produced as a primary data of study collected by Dareecha Male Health Society (DMHS).

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ABBREVIATIONS:

SGM	Sexual and Gender Minority
MoHR	Ministry of Human Rights
NADRA	National Database and Registration Authority
SAHRA	South Asia Human Rights Association of People Marginalized Because of their Sexualities and Gender Identity/Expression
SOGI	Sexual Orientation and Gender Identity
KPK	Khyber Pakhtunkhwa Province of Pakistan
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
PIMS	Pakistan Institute of Medical Sciences
CNIC	Computerized National Identity Cards
DHS	Dareecha Male Health Society (DMHS)
CSO	Civil Society Organization
NGO	Non Governmental Organization
CBO	Community Based Organizations
PEMRA	Pakistan Electronic Media Regulatory Authority

DEFINITION OF TERMS

Sexual and gender minority

“Sexual and gender minority” is an umbrella phrase that encompasses lesbian, gay, bisexual, and transgender populations as well as those whose **sexual** orientation, **gender** identity and expressions, or reproductive development varies from traditional, societal, cultural, or physiological norms.¹

Transgender

A person whose gender identity differs from the gender assigned to them at birth

Bisexual

A person who emotionally and/or sexually is attracted to more than one gender

Gender identity

Refers to each person’s internal and individual experience of gender, which may or may not correspond with the sex assigned at birth

Heteronormativity

The widespread idea that everyone is and/or should be heterosexual and identify as the same gender they were assigned by birth

Homophobia

The irrational hatred, intolerance, and fear of lesbian, gay and bisexual people

Gay

A man who is emotionally and/or sexually attracted to men. The terms homosexual and gay are sometimes also used to cover lesbian women and bisexual people, but this is disputed.

Intersex

Intersex people are born with physical, hormonal or genetic features that are neither wholly female nor wholly male; or a combination of female and male; or neither female nor male

Lesbian

A woman who is sexually and/or emotionally attracted to women

¹ <https://www.endocrine.org/-/media/endsociety/files/topics-pages/kparker-congressional-briefing.pdf?la=en>

Marginalized genders and sexualities

All regional variations that exist of sexual orientation, gender identities and expression, such as *Hijra*, *Zenana*, *Kothi*, *Nachi*, *Meti*, third gender, lesbian, gay, bisexual, queer, transgender and intersex.

Sexual orientation

Refers to each person's capacity for profound affection, emotional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender (ILGA)

Guru

Guru is a teacher in the hijra system, under whose apprenticeship a chela (student) learns the principles of the hijra subculture and through whom a chela is identified. Guru is the counterpart of a "patriarch" in the hijra system.

Zenana

A term used by hijras for effeminate men who has sex with men. They occupy a sub-category within the hijra culture, and wear men's clothes.

BACKGROUND:

Despite having one of the most progressive laws for the protection of transgender community and increasing recognition of their rights, Pakistan's sexual and gender minorities (SGM) live their lives in fear and silence due to cultural, traditional and religious challenges and poor implementation of law.

After the Pakistan's parliament passed a landmark bill the Transgender Persons (Protection of Rights) Act 2018 in May, 2018, the legal framework of Pakistan for the protection of SGM community becomes one of the strongest legal frameworks in the world. The constitutional rights as a citizen mentioned in Part II of Constitution of Islamic Republic of Pakistan Article 8-28 of "Fundamental Rights and Principles of policies," also guarantee equality and safeguard against discrimination.

The Transgender Persons (Protection of Rights) Act 2018 gives the country's transgender citizens fundamental rights. The Act allows people to choose their gender and to have that identity recognized on official documents, including national IDs, passports and driver's licenses. The bill prohibits discrimination in schools, at work, on public modes of transit and while receiving medical care.

The Act also says that transgender people cannot be deprived of the right to vote or run for office. It lays out their rights to inheritance, in accordance with their chosen gender and obligates the government to establish "Protection Centers and Safe Houses" — along with separate prisons, jails or places of confinement.²

Following this verdict, the Supreme Court directed federal and provincial governments to formulate policies for the welfare of the transgender community. In response, the Punjab Social Protection Authority of Punjab drafted a policy and Education Department of Punjab issued notifications to all district education authorities in August 2018 to ensure fair and equal treatment of transgender children in schools.³

Besides legislation and policy making, there were gestures of inclusion and special attention by the government institutions. On December 5, 2018, NADRA announced to issue free of cost Computerized National Identity Cards (CNIC) to transgender Community.⁴ 13 transgender persons contested elections across Pakistan in General Elections 2018.⁵ On December 1, 2018, a special ward was inaugurated for transgender community in Pakistan Institute of Medical Sciences (PIMS).⁶ Media and civil society

² <https://www.thenews.com.pk/.../442419-transgenders-share-painful-stories-of-their-liv...>

³ Human Rights Violations Report of People Marginalized because of their Sexualities and Gender Identity/Expression by South Asian Human Rights Association (SAHRA), 2019

⁴ <https://www.aaj.tv/2018/12/nadra-to-issue-cnics-to-trans-genders-free-of-cost/>

⁵ (<https://www.dawn.com/news/1413894>)

⁶ Separate ward for transgender patients inaugurated at PIMS. <https://www.pakistantoday.com.pk> > Islamabad

organizations gave attention to cases of violence against transgender community members which resulted in conviction of perpetrators. First Trans Pride was held in Lahore in December 2018.

But all these victories failed to have any significant and larger impact on the lives of SGM in Pakistan. The community continued facing discrimination, harassment, social exclusion and violence at all levels. Same-sex relations labelled “Unnatural Offences” under Section 377 of Pakistan Penal Code, along with sharia-inspired laws from 1980s, penalise offenders for up to twenty-five years in prison - although convictions are rare.⁷

Human Rights Violations Report of People Marginalized because of their Sexualities and Gender Identity/ and Gender Identity/ Expression 2019, by South Asian Human Rights Association (SAHRA), says that in 2018 alone, 105 cases of violence against SGMs were reported in Pakistan which, according to experts, is only the tip of the iceberg. Among total cases, almost all the victims were either sex workers (30 per cent), engaged in private or individual enterprises (27 per cent), NGO workers (22 per cent) or students (19 per cent) whereas 50 per cent of the victims were transwomen. The major violations were physical assault (24 per cent), sexual harassment (23 per cent), rape (12 per cent), discrimination and threats (11 per cent) and murder (5 per cent).

The report says that 90 per cent of the complaints were not reported to the police. Common reasons for not reporting to the police are the fear that the police may arrest them due to their sexual orientation or gender expression or reject the case. In some cases, the police were the perpetrators.⁸

Physical abuse is generally faced by transgender community from their family members, clients, male sexual partners, and the general public. Sexual abuse is perpetrated by clients who solicit transwomen for sex-work. These abuses cause severe emotional distress and mental agony for many SGMs sometimes leading to substance abuse and self-harm in many cases.⁹

Pakistan's population of transgender people recorded in the sixth population and housing census in 2017 was 10,418, a figure challenged by transgender groups and civil society organizations working in the rights of SGMs. According to media reports, Pakistan's transgender community faced pushback at the country's General Elections 2018 as transgender observers and voters were blocked from polling stations.¹⁰ Besides that, implementation of Transgender Persons (Protection of Rights) Act 2018 poses a big challenge to the government because of existing social and cultural mindset among general public as well as the law enforcement agencies.

⁷ Human Rights Violations Report of People Marginalized because of their Sexualities and Gender Identity/ Expression by South Asian Human Rights Association (SAHRA), 2019

⁸ SOGIE: Human Rights Situation in Pakistan 2017

⁹ Silent No More, Transgender Community in Pakistan, A Research Study by Gender Equity Program September 2016

¹⁰ <https://www.reuters.com/...pakistan-lgbt-transgender/pakistans-transgender-communit....>

INTRODUCTION:

Bullying of SGM community is globally treated as a significant hindrance in exercising a person's full potential as a human being. Studies conducted nationally in other countries have shown a grave picture of bullying and harassment faced by the community that has negatively impacted their lives.

Pakistan joins the world in this trend. The SGM community suffer extreme forms of bullying in silence. The life stories shared by SGM community members at different forums is reflective of the pain they pass through in their lives because of continuous harassment and bullying by the society. On many occasions, they have also shared their helplessness in dealing with this treatment. Despite presence of strong incidental evidence, no comprehensive study has been done till date to measure the scale of bullying and harassment faced by the SGM community members.

Dareecha Male Health Society (DMHS) is a non-profit organization, solely working on health conditions, health restoration and social welfare of transgender community and their partners of Rawalpindi and Islamabad - Pakistan. DMHS was founded in 2012 with a vision of promoting and imparting better health facilities, awareness of human rights and well-being of MSM and transgender community along their partners. DMHS is successfully providing awareness platforms to the transgender community members for a better and healthy lifestyle. The organization has access to SGM community from all sectors of life through its existing work on "Enhancing Community Solidarity".

In nearly seven years of services, DMHS has documented anecdotal evidence of rampant bullying of SGM, particularly youth. However, in the absence of a comprehensive study of the types, perpetrators and effects of bullying, no evidence based intervention can be carried out. Lack of evidence is a major hindrance for CSOs, NGOs, and networks working for the welfare of youth, gender and sexual minorities.

The study in hand is an effort to measure the prevalence of bullying and harassment against SGM community in Pakistan, its perpetrators, and impacts. Conducted in six cities of Pakistan including Islamabad, Rawalpindi, Lahore, Karachi, Peshawar and Mansehra, the study is mainly based on 101 comprehensive interviews of the members of SGM community.

The study also focuses on online bullying and harassment against SGM and its psychological, economic and physical impacts. In addition to that, the study shares selected stories of the person interviewed for this report. The stories describe the situation faced by SGM community. The stories have been shared with change of names and slight modification in the situation to protect the privacy of affected persons.

Most importantly, the study provides a sound database for NGOs, CSOs, human rights activists and networks working for the protection of SGM community to lobby with the existing human rights enforcement mechanisms in the country so that practical measures can be taken to protect SGM community from harassment and bullying.

EXECUTIVE SUMMARY

People belonging to Sexual and Gender Minorities are citizens of Pakistan and enjoy the fundamental rights under the constitution. Article 8 to 28 of the constitution which deals with fundamental rights guarantees freedom of movement, association, assembly and speech to all its citizens. It clearly states that all citizens are equal and there shall be no discrimination on the basis of sex. There is a strong law Transgender Persons (Protection of Rights) Act 2018 passed in May, 2018 which provides legal framework for the protection of transgender community in Pakistan.

Despite strong legal framework, the transgender community suffers in silence and lives under extreme fear. They regularly face anxiety, humiliation, rape, drug use and psychological problems in the name of social norms and religion. There are some voices on effective implementation of the newly passed law but these voices are very weak as compared to the strong social mindset that works against them and violates their basic rights at all levels.

This report is the first effort to highlight the harassment faced by SGM community members in Pakistan. The study is based on 101 extensive interviews of SGM community members conducted in Rawalpindi, Islamabad, Karachi, Lahore, Peshawar and Mansehra. Special effort was made to include SGM community members belonging to all sections of the society and different segments of SGM community. The stories were gruesome and the findings were alarming.

Out of the total number of SGM community members interviewed for the study, 96 per cent of SGM community members shared that they experienced social bullying, 92 per cent talked about facing verbal bullying, 90 per cent lived with sexual bullying and 87 per cent had to go through physical sexual bullying. Around 68 per cent of the interviewees said that they faced bullying and harassment at formal and informal educational institutions because of their sexual inclinations or being different from pre-defined gender roles by society, 60 per cent talked about facing cyber bullying, 49 per cent were bullied at work place and 38 per cent admitted engaging in substance abuse.

The interviews clearly manifest that violence against community has increased and has taken extreme forms. The perpetrators have no fear of law or society and it is considered normal to make fun of SGM community. It also reflects that the gap between society and community is also increasing. Due to social media, the community members are more visible and vulnerable to perpetrators. The interviewees also revealed that majority of the cases of bullying are not reported. The situation calls for urgent attention at legal and social level.

OBJECTIVES:

Main objective of the study in hand is to generate an evidence around the issue of bullying and harassment against sexual and gender minorities in Pakistan. DMHS believes that because of the absence of any such data, no focused intervention has been made to address the issue. Following are the key objectives of the study;

1. Generate evidence on bullying and harassment faced by SGMs
2. Identify and highlight major types of bullying and harassment and its impact
3. Build case for better understanding of challenges faced by SGM community
4. Generate data for advocacy and lobbying with Human Rights Commission of Pakistan, Ministry of Human Rights and civil society organizations working on minorities and gender issues.

METHODOLOGY:

- **Desk review:** The study started with a desk review to study the overall situation of Sexual and Gender Minorities in Pakistan and the existing mechanisms for protection of SGM community.
- **Pre-fieldwork consultations:** The desk review was followed by consultative meetings with the stakeholders and experts including the civil society organizations, representatives of SGM community and researchers. The aim was to collect information on the kinds of bullying faced by SGM and to make the study as inclusive as possible. Another objective was to identify the interviewee in different parts of the country and to get a clear idea on sensitivities around different sexual and gender minorities.
- **Questionnaire:** The next stage was to develop a questionnaire encompassing the issues identified during desk review and the consultation. A comprehensive questionnaire was prepared which was divided into basic information, sexual orientation, social bullying, bullying in academic institutions, bullying at workplace, cyber bullying, impact and recommendations. Through total 80 questions, the study tried to encompass all aspects of bullying faced by the Sexual and Gender Minorities. Complete questionnaire is annexed for further reference.
- **Fieldwork:** The study used both primary (visits to the native towns, direct interviews etc.) and secondary sources (reports, internet, newspapers, and articles) to collect as much information as possible with a major reliance on the information sought through primary sources.

The study was conducted in six main cities of the country including Karachi, Rawalpindi, Islamabad, Peshawar, Mansehra and Lahore. During the field visits, the researcher individually interviewed 101 respondents belonging to different SGM groups. In Karachi, 34 respondents were interviewed whereas 21 were interviewed in Rawalpindi and Islamabad, 9 were interviewed in Peshawar, 7 in Mansehra making a total count of 17 in the province of Khyber Pakhtunkhwa. Participants interviewed in Peshawar also included one person from Mardan, two from Swat and one from Swabi. In Lahore, 29 SGM representatives were interviewed. The respondents aged between 17 to 58 years. Due to financial and security constraints, the study could not be extended to SGM community in Balochistan, Gilgit Baltistan and Azad Jammu and Kashmir.

The researcher conducted extensive interviews on the basis of a questionnaire designed to obtain maximum quantitative and qualitative information needed to understand the condition and needs of SGM community.

CHALLENGES AND LESSONS LEARNT:

Approaching respondents:

As majority of SGM community members prefer to stay silent and invisible, it is never easy to approach them and discuss sensitive issues related to their sexual orientation and gender identity. Most challenging was to approach SGM community members in Khyber Pakhtunkhwa (KPK) which was finally resolved by personal contacts.

Availability of respondents:

The study covers SGM from variety of backgrounds such as professionals, dancers, housewives, sex workers, civil society professionals and students etc. The availability of respondents also varied depending on their situation. As the study has to be completed in a specific period of time, the availability of respondents was a major challenge throughout the process. The interviewer had to ensure his availability as per convenience of respondents and according to time and place that suits them. Due to the same reason, it was difficult to follow the specific timeline.

Summarizing the stories and compilation of data:

One of the main challenges was to summarize the qualitative data. Around 14 interviews took more than 3 hours per interview. All interviewees had so much to share that it was hard to summarize their stories in order to convert them into quantitative data. There were several stories shared with the researcher which were painful and heart touching. Selecting few out of them to highlight in the report was another big challenge.

Personal security and data protection:

It has always been sensitive to discuss or work on issues related to SGM community in Pakistan. During the process, the researcher was advised by colleagues and activists to be extra careful in using terms and use pseudo names for the respondents. The researcher was also advised to use different modes of travel and communication. For the same purpose, the primary source of information was one on one interview instead of email, texts or phone calls etc.

Internal conflicts of transgender community:

For this study, the respondents were mainly approached through personal contacts, CBOs, local Guru Chela system etc. There were misunderstandings found amongst the community which had to be

managed and explained by the researcher to build trust with the respondents. Many respondents were not aware of NGOs or CBOs working for SGM community. Those who are linked to any activist, NGO or CBO, shared their concerns that the funds provided by donors fail to reach the deserving community. Some respondents expressed dissatisfaction over *Guru Chela* system and termed the system as an exploitative cycle that hindering their way towards rights and empowerment.

FINDINGS

Findings:

The report is the first effort to highlight different forms of bullying and harassment faced by the SGM community in Pakistan. The findings shared in this section are based on interviews conducted from March to June, 2019 with 101 SGM community members from all sections of the society.

Every SGM community member interviewed for this study had a story to tell. Every story was a painful account of a person who had silently faced some of the worst forms of bullying and harassment with no proper mechanism in place to get help or support. It was not possible to share all stories in this report but some of the most striking stories have been shared in this section along with the figures that indicate the level and impact of harassment faced by the community members.

STORY 1:

“I don't know how many people like me are still out there, suffering.”

Life as a gay for 34-year-old Darvesh has been torturous. Since childhood, he was abused verbally, physically, and sexually — events that left him psychologically and emotionally scarred.

As a young boy, he was into stuff seen by some as being less masculine as defined by patriarchy — mainly art and fashion.

At the age of 12, a boy next door got physical with him, which he did not like. Later, when he began going out, people made fun of him because of his girlish traits. Among them was also his elder brother.

Older boys in the neighborhood ridiculed Darvesh and abused him sexually. His brother hurled abuses at him.

At 14, his father passed away, and the brothers moved out of town to earn a living. It provided an opportunity for the street boys to come over and molest him when his mother was not around. They did so dozens of times until the age of 18.

He once called the police, informing them that his neighbor was attempting to rape him. The cops laughed it off and asked Darvesh if he was sexually attractive, and what had the rapist done. That single phone call shattered whatever faith he had in the law enforcers.

One day as a guy from the neighborhood had finished raping him and preparing to leave, Darvesh's elder brother walked in. The rapist told him he was called up by his kid brother to do what he did.

In a burst of anger, Daud began beating him with a rubber pipe, and then with a belt that had a metal buckle. He even pulled out a gun and hit him in the face with it. His wife intervened, stopping him from shooting.

As punishment, he was locked up by his brother in a room for five days. He wasn't even allowed to use the washroom. The brother's spouse secretly gave him food.

But there seemed no respite for him. His brother told his mother he would stop supporting the family financially if she did not kick out Darvesh. Mother though refused to do so.

It prompted his elder brother to rent another house elsewhere. However, a year later, he asked his mother to move in with him and rent out their current accommodation.

"We moved to his place, but he never gave us the rent from the house we left and threw us out after a month. When we returned, my mother and I had only two bedsheets and a pillow to sleep on and no money."

But his brother appeared in no mood to spare him. He often used to call Darvesh and threaten him. "He blackmailed my mother and took his share of the property, burdening us with loans in her name."

Today, Darvesh is still paying off those loans, and it is hard for them to make ends meet.

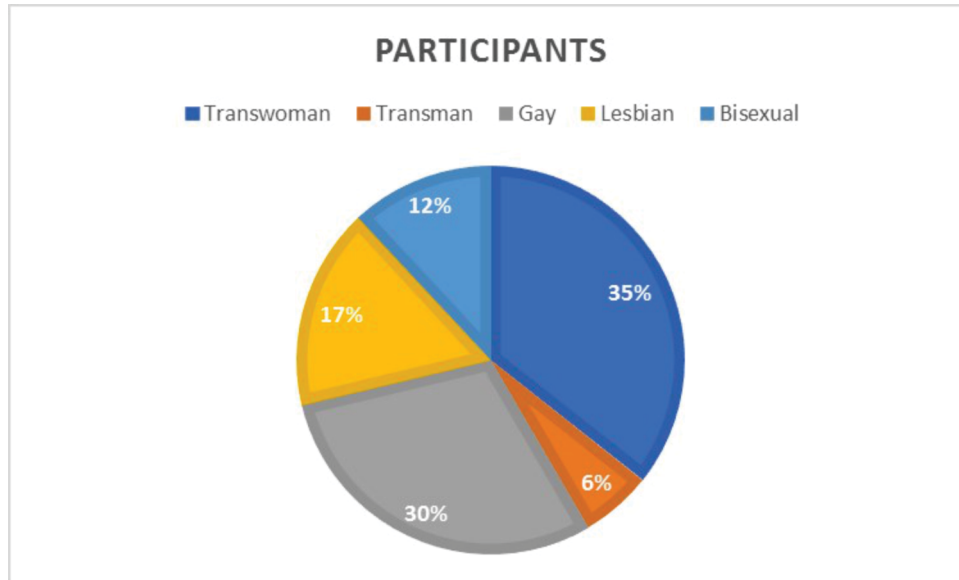
While as a young boy, he was molested and raped countless times, as an adult he was blackmailed by a senior government official who used to call Darvesh to make him and his friends – celebrities, politicians and high-ranking government officials – happy.

But once he refused to oblige, and he had him sacked from his job. "It happened because he was and still is an influential official."

"I wish the law enforcement agencies and the government are sensitized in this regard and do not discriminate against the minority. I don't know how many people like me are still out there suffering."

Figure 1:

Number of Participants



Among the total 101 participants interviewed for this study, 35 percent were transwomen and 6 per cent were transmen whereas 30 per cent identified themselves as gay, 17 per cent as lesbian and 12 per cent as bisexual men and bisexual women. Highest numbers of interviews were conducted in Karachi (34) followed by Lahore (29), Rawalpindi and Islamabad (21), Peshawar and Mansehra cities in KPK (17). The number of interviews depended on the availability of respondents. The researchers used personal contacts and CSO's outreach to identify the respondents.

Among the total 34 interviews conducted in Karachi, 6 participants identified themselves as transwomen, 2 as transmen, 11 as gay, 13 as lesbians and 2 as bisexuals (man and woman). In Lahore, total 29 in-depth interviews were held with 10 transwomen and 3 with transmen whereas 7 identified themselves gays, 2 as lesbians and 7 as bisexuals (men and women).

Among total 17 interviews conducted in Peshawar and Mansehra in KPK, 11 were transwomen whereas 4 participants identified themselves as gay, 1 as lesbian and 1 as bisexual man. Despite all efforts, the research team couldn't approach any transman for interviews during the study time. In Rawalpindi and Islamabad (twin cities), the researcher interviewed total 21 SGM community members with 9 transwomen and 1 transman whereas 6 identified themselves as gay, 1 as lesbian and 4 as bisexual (men and women).

STORY 2:

“I wonder when the people would accept me as what I am.”

Beenzo, 37, a multi-talented sportswoman, has had to go through an almost never-ending phase of depression because of her sexual orientation.

Her tomboyish appearance created problems for her, both at home and outside.

Being non-feminine, she got dropped from the Pakistan hockey team seven times. “I couldn't go out with coaches and selectors on dinners and hang out, so I got left out.”

However, she did get chosen on the Pakistan team twice because of her performance, and since there were fewer players at that time.

Beenzo presently runs a private club where she coaches women cricket players and also coaching women hockey players at some other club. “I feel sports help me relax and counter depression.”

At home, Beenzo was considered the black sheep of the family. In school, her classmates and teachers considered her a freak, and she was left alone.

“Then, when I got into my first relationship, I was bashed by my so-called friends and family.”

She was never welcomed to attend her sisters' weddings and never got a chance to meet her nephews and nieces after her sisters became parents. “I am not even invited on such auspicious occasions as Eid.”

To make matters worse, her mother asked her to leave home because of her sexual orientation. “That was the most painful experience for me.”

She also got thrown out of a hostel after one of the female hockey coaches tried to harass her sexually, and she refused to cooperate.

She then began looking for work, but could not find any well-paying job. To make ends meet, she now works at a call center to pay off bills as coaching doesn't pay much.

Today, Beenzo lives in a poor neighborhood due to a shortage of money and resources. “I am still struggling to find where I belong in this country, and wonder when the people would accept me as what I am.”

She believes that if she were not a tomboy, things would have been more natural for her. “I feel lonely and cornered in the society. I don't know when people would understand humans make gender roles through patriarchy.”

She points out that for outsiders, she is a strong woman, but internally, “only I know what I have gone through and what challenges I face even now.”

STORY 3:

"I don't know why people treat us as a sex object."

Zaigham, a transman from Lahore, faced sexual abuse by father as a teenager that left him in poor mental and physical health.

Physically and biologically a girl, his father always treated him as his son. He had three sisters. His parents did not get along well and often quarreled over petty things.

He said that as a 16-year-old when girls of his age focused on their looks and fashion, he headed out looking for work at automobile workshops and local hotels since the family faced financial issues.

But he couldn't find any decent work.

His father always appreciated the way he talked, dressed, and walked "like a boy." However, his mother insisted that he should dress up as a girl, saying there would be no marriage proposals forthcoming if he did not do so.

One day the parents had a big fight that injured his mother. The fuming father gathered his belongings and took Zaigham along to another house elsewhere in the city.

The move would leave Zaigham with deep psychological scars.

At their new home, his dad often had friends come over, and they drank alcohol. A few weeks later, he was asked to make drinks for them.

"He made me sit with him and used to hug me as if I were his son and not a daughter."

One night when his father got drunk, he asked Zaigham to massage him, which he did. He was then asked to touch and hold his father's private parts.

"I was nervous and not sure if this was normal or not."

A few days later, he asked Zaigham to undress so that he could check if he was a boy or a girl. "He touched and caressed me all over, and then forcefully had intercourse with me.

"I used to cry and yell because of my poor mental and physical health following this incident." It became a routine that left him quite weak. "Before transition, when I was a girl, it was difficult for me to leave home and find shelter."

Zaigham tried filing a complaint with the police, but they took it all too casually, saying better resolve this family matter at home. With no national identity card, he was clueless which government department to turn to for help.

After a year, Zaigham fled home to work at a local hotel. The owner seemed religious and kind initially. He worked as a waiter and ran errands for the proprietor.

As the days went by, the owner began to harass him sexually. Fortunately, a trans man activist Mani A. Q. from Lahore, who runs a community-based organization, rescued him.

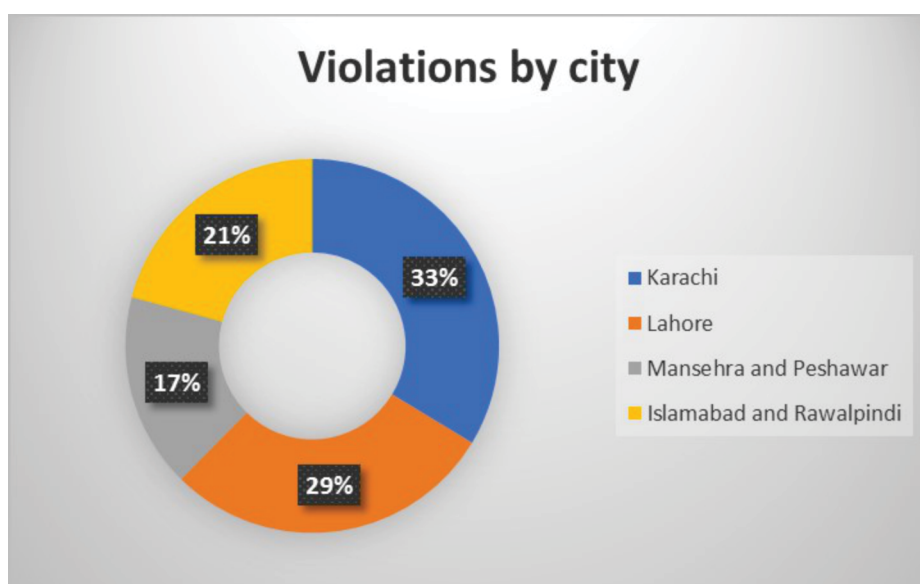
Zaigham now feels secure with his community, and like-minded people, and the transition started after meeting the activist.

"I don't know why people treat us as a sex object if we act differently from our birth sex or pre-defined gender."

He hopes the government would take steps to provide safe spaces to all based on human rights and not to segregate them from the general population and add something good about transgender persons in school and college curricula to sensitize the new generation.

Figure 2:

Violations by City



Out of 100 percent, most of the cases of harassment were reported from Karachi (33 per cent) followed by Lahore (29 per cent), Rawalpindi (21 per cent) and KPK (17 per cent). The number of violations recorded in a city largely depended on the availability and awareness of respondents as well as the activities and outreach of CSOs.

For example, in KP, lowest number of harassment cases was recorded in the study. This doesn't mean that the harassment against SGM community is lowest in these cities. In fact, it is difficult to approach SGM community members in these cities due to security risks involved for SGM community members as well as for those conducting such a comprehensive study.

The cases recorded for the study can be considered tip of the iceberg. Majority of the SGM community members prefer to stay silent as speaking up for their rights can lead to further harassment and violence.

STORY 4:

“I tried to commit suicide but stopped because of my mother’s fragile health.”

Rubab, a 19-years old transwoman from Khyber Pakhtunkhwa (KPK), was born in a poor family. She lost her father when she was only 6. Since then, she was living with her mother, two sisters and an elder brother.

Since childhood, her feminine behavior was obvious. She used to help her mother in household chores and had interest in activities supposed to be women’s domain.

When she was 10, friends and people from neighborhood started teasing Rubab’s brother on her feminine behavior and even told him that they had sex with her. After hearing such things, her brother started beating her regularly.

Because of bad company, her brother became drug addict and their financial condition further deteriorated. At the age of 11, Rubab started working as a sales person at a local general store on minimum wage to support her family.

Few customers, who used to visit the store regularly, tried having sexual favors from Rubab. “I was a child and weak. I couldn’t resist or complaint to anyone.”

A few of them started giving gifts and money to her. At that time, her mother was very sick and losing her sight. She started accepting money to support her mother’s treatment.

For a man, being girlish is considered a crime in KPK’s conservative society. “My brother used to regularly punish me for this crime by beating me and my mother for supporting me and keeping me in home.”

At the age of 17, Rubab met a famous Guru in KPK and became her Chaila for protection. “It is another story that how Guru used me and other Chailas for money.”

Things improved for Rubab. She left her home. In a year, after she was able to learn about the existing system of Guru and Chaila, her value increased among clients due to her looks and dance.

In 2018, she went to a function where local gangsters tried to rape her. Luckily, she was able to escape. “I informed my Guru and local police but they said they could not do anything as the perpetrators were politically strong.”

After two weeks Rubab was abducted from local market on gun point by the same gangsters. “They kept me for 7 days and gang raped me. The number of men, which was 6 on first day, reached 23 per night at the end. They used to get drunk and high on drugs and abused me, physically tortured and raped me.”

Before leaving her, they shaved her head and eye brows. Rubab came back to Dera with bad health and physical condition. She described the whole episode to her Guru but she didn’t help her. “She said that for helping us, they need extra money.”

While Rubab was still recovering from physical and mental trauma, a fellow Chaila was shot dead in front of her eyes during performance. “This added to my pain as I didn’t feel safe.”

“I tried to commit suicide but stopped because of my mother’s fragile health. She needed me.”

Rubab is in deep depression but fails to find or afford any expert to discuss her psychological depression. “I still receive threats by the same group of gangsters but I know no one can help me.”

STORY 5:

“The young generation and liberals have lesser acceptance for bisexual men.”

Life for Amir Ali, 39, became troublesome after he opened up to his lesbian, gay and bi-sexual friends after marriage.

“I think doing so was disastrous,” he says recalling how his wife left him and took their three sons after his friend shared Ali’s gay party pictures with her.

Upset over the event, Ali slipped into depression and started doing drugs and consuming alcohol.

However, after two years of separation, the couple decided to see a counselor. Several sessions later, she returned, much to her spouse’s relief.

“I never had depression before marriage because my gay and lesbian friends accepted me,” he says. “But when I got married, my liberal gay and lesbian friends labeled me as an opportunist, cheater and a sinner.”

He points out that he feels more comfortable with friends who are less liberal and not well educated. “They are more accepting and understand the sexual interests and priorities, along with the social pressure of getting married and having a life.”

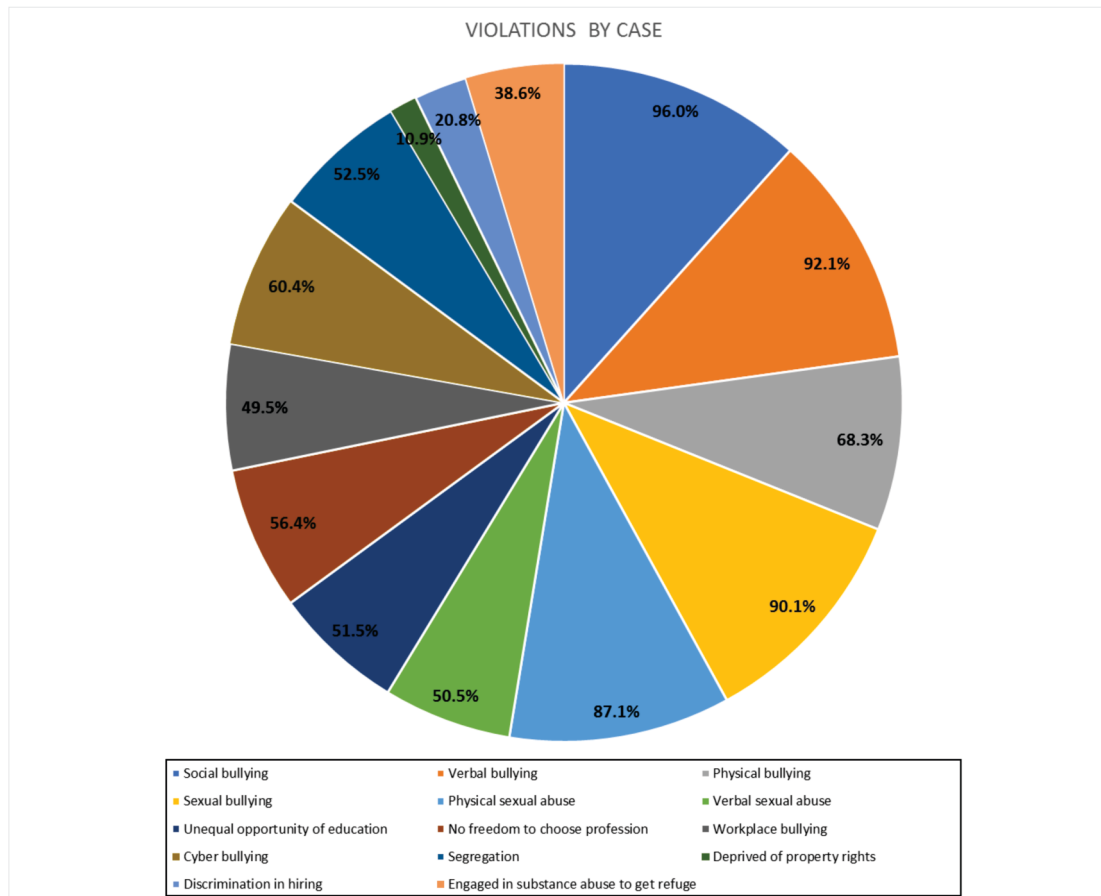
Ali has lived in Islamabad, Lahore, Peshawar, and Karachi after marriage. He found more acceptability as a bisexual in Peshawar.

The young generation has lesser acceptance for bisexual men as compared to older people, he says.

“I understand that I cannot give my 100% to one partner, but that’s my choice of being with someone. I feel if both of your partners are OK with your sexuality, then it is healthier because you are not cheating on both of them.”

Ali says that the main lesson he learned from his experiences is that being undercover means no one can harm you. “I believe being bisexual is not a crime, but cheating on any partner is not fair.”

Figure 3:
Violations by Case



The study provides strong evidence that all categories of SGM community face bullying and harassment at every level of social interactions, ranging from home to educational institutions and workplace. Different forms of bullying include verbal bullying, physical bullying, verbal and physical sexual bullying and abuse, unequal opportunities of education, cyber bullying, discrimination in hiring, no freedom to choose profession, segregation, substance abuse, workplace bullying and deprivation of property rights.

The study shows that 97 out of total 101 respondents faced social bullying of one form or the other. Out of these 97 respondents that reported social bullying, 93 faced verbal bullying, 69 faced physical bullying, 91 shared that they had facing sexual bullying whereas 88 said they faced physical sexual bullying and harassment. Only 2 transwomen out of 97 reported formally to police and only 1 complaint was catered of a transwoman.

¹¹ in figure 3; each case is taken as 100% percentage wise.

Out of 93 total respondents that admitted facing verbal bullying, 32 said that they faced verbal bullying by immediate family members, 19 reported that relatives bullied them verbally, 28 shared that they were bullied this way by fellow students and teachers, 47 faced verbal bullying by community and neighborhood and general community, 13 faced verbal bullying by friends and 6 said they faced verbal bullying by colleagues, co-workers and clients.

Among 69 respondents who reported physical bullying, 28 faced this kind of abuse by immediate family members, 8 by relatives, 19 by teachers and students, 27 by community, neighbors, public, society and police and 10 faced this by friends whereas 6 faced physical bullying by customers and clients.

Out of 91 respondents who faced sexual bullying, 51 faced verbal sexual bullying and harassment. Among them, 4 faced verbal bullying by immediate family members, 18 faced sexual comments by friends and relatives, 14 faced this kind of bullying in school and college and informal institutions by teachers and fellow students, 26 faced this kind of bullying by community and neighbors and 6 said that their clients abused them verbally through sexual comments. Interestingly 4 respondents identified a unique category in which servants bullied them with sexual comments.

Majority of respondents (88 out of 91 respondents who reported social bullying) faced physical sexual abuse and harassment. Among the total 88 respondents, 8 faced physical sexual bullying by immediate family members, 27 faced this kind of bullying by friends and relatives, 20 had to bear physical sexual bullying in school and college and informal institutions by teachers and fellow students. A big number, (34 out of 88 respondents) faced such bullying by community, neighborhood and general public whereas 11 faced physical sexual bullying by clients and 5 by servants.

About educational opportunities, 47 out of 101 respondents said that they got equal opportunity to study. Out of total 69 respondents who faced bullying at academic institutions, 66 faced verbal bullying. Among total verbally abused persons, 30 faced verbal bullying by fellow students and 28 said that teachers abused them verbally. Among 44 respondents who reported physical and sexual abuse, 19 faced such abuse by fellow students whereas 36 were physically and sexually abused by the teachers.

At workplace, 50 out of 101 respondents faced verbal, physical and sexual bullying. Among the total number, 48 faced verbal bullying, 18 faced physical bullying and 18 faced sexual bullying. Total 61 respondents reported cyber bullying while among them, 19 faced verbal bullying, 27 faced sexual bullying.

In academic institutions, 69 respondents said that they faced bullying in formal and informal institutions. At workplace, 50 respondents said that they faced bullying of different forms.

Out of 91 respondents that use social media, 61 faced cyber bullying and only 29 found to have awareness about the Cyber Crime Act. Not a single case is reported.

With regard to deprivation of basic rights, 14 out of total 101 respondents said that they were mis treated by hospital staff in government hospitals because of their sexual orientation and gender identity. Among total number of interviewees, 11 were deprived of their property rights by their families

due to their sexual orientation and gender identity, whereas 39 left their homes and families to escape bullying and violence and 59 faced economic crisis.

Majority of respondents were not aware of any support mechanism available around them and very few had access or were secure enough to access any such mechanism. Only 41 out of 101 total respondents were aware of the existence of Ministry of Human Rights (MoHR). Whereas, 7 out of 41 were aware of the existence of MoHR helpline said that they would be comfortable in sharing their gender related bullying and harassment issues with the ministry officials whereas 34 said that they would not be comfortable in discussing their sexuality related issues even with the ministry. 49 out of 101 respondents participated in 2018 general elections and casted their votes.

To cope with constant bullying and harassment, 39 out of total 101 respondents took refuge in drugs of different kinds and 75 faced psychological issues. Only 34 respondents with physiological issues consulted psychologists and psychiatrists and 18 respondents out of 34 said that they found consultants trained and sensitized in dealing with SGM community. An infographic report is annexed for further reference.

CONCLUSION AND RECOMMENDATIONS:

Discrimination, humiliation, violence and harassment faced by SGM community members are clear violations of basic human rights but both authorities and society are negligible or ignorant about these issues. If a slightest deviation from patriarchal normative rules get noticed, people belonging to SGM community become a target of harassment and bullying at all level ranging from family to educational institutions and workplace etc. From verbal abuse to murder, the community suffers extreme kinds of bullying silently and lives under the fear of becoming a potential target anytime. Society and the government prefer to stay in the state of denial and fail to give basic rights to SGM community members.

The SGM community also lives with intra-community conflicts. The interviewees shared that instead of working for the community, the main objectives of organizations and community leaders is to gain more power and monetary benefit. Majority of community members do not trust authorities whether they belong to law enforcement agencies, justice system or the bureaucracy. They refrain from sharing their issues and needs with family, friends, gurus, or general community due to the fear of back lash by them.

Majority of SGM community members are not aware of the existence of any mechanism to ensure their basic human rights. Those who are aware expressed lack of trust for these mechanisms. They think that even if they get blackmailed and trapped, it is better not to share that to anyone or to approach any support. Those who suffer psychological issues avoid seeking medical help as they say that the psychologists and medical practitioners are not sensitized enough to deal with such cases.

The SGM community members interviewed for the study opined that media could play a positive role in sensitizing masses but unfortunately, the community is portrayed as fun objects in electronic media instead of portraying them as normal human beings. Community also stressed the need to sensitize

parents and teachers as in majority of the cases, the discrimination. As per data collected, in majority of cases harassment and violence started from home.

Some suggestion and recommendations given by the SGM community members are listed below:

For Government:

- Sensitization of authorities including gate keepers (*moharrars*, guards, first contact persons/officials) on SGM issues and needs
- Awareness on equal treatment of all citizens
- Implementation of a policy on zero discrimination against SGM community in media community, through Pakistan Electronic Media Authority (PEMRA)
- Sensitization of academia on rights and needs of SGM community members
- Provision of safe spaces for SGM community members like *Dar ul Amans*
- Reforms in punitive laws that can be used against SGM community

Civil Society:

- Advocacy and sensitization on SGM issues, needs and rights
- Capacity building of civil society organizations to enhance their outreach at the grassroots level
- Provision of safe spaces and forums for community members for mental health support

Parents:

- Awareness on acceptance to children belonging to SGM community
- Sensitization on equal treatment of all children
- Information sharing on sexual orientation and gender identity
- Importance of giving children confidence and trust so that they can share their needs and any kind of bullying and harassment

Public/private sector:

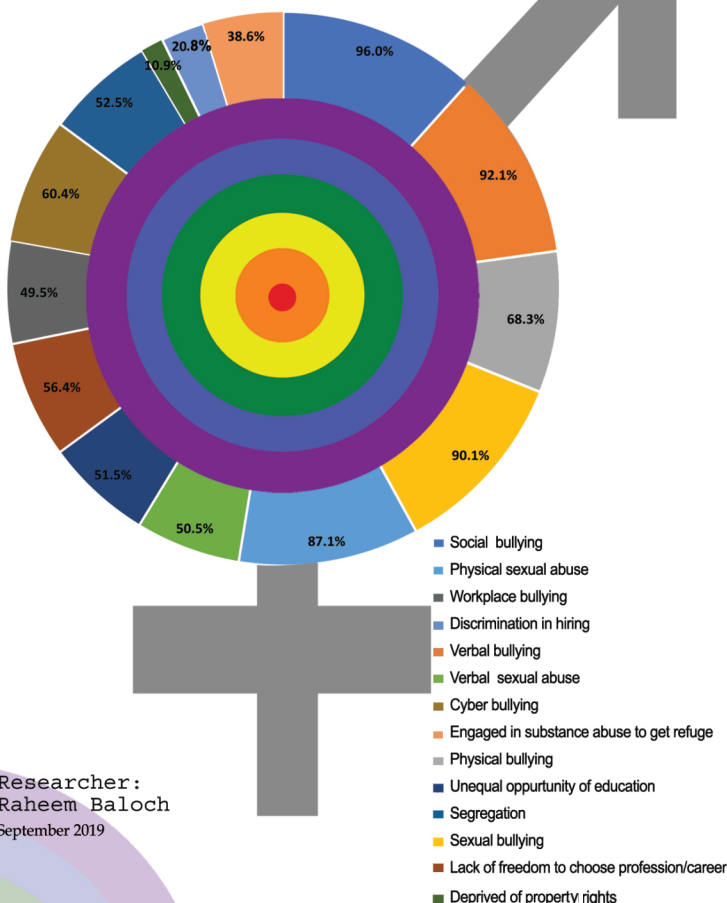
- Implementation of zero discrimination and zero tolerance policy for SGM bullying and harassment
- Sensitization of staff on accepting and respecting SGM community staff
- Provision of equal employment opportunities for SGM community members

Annexure I:

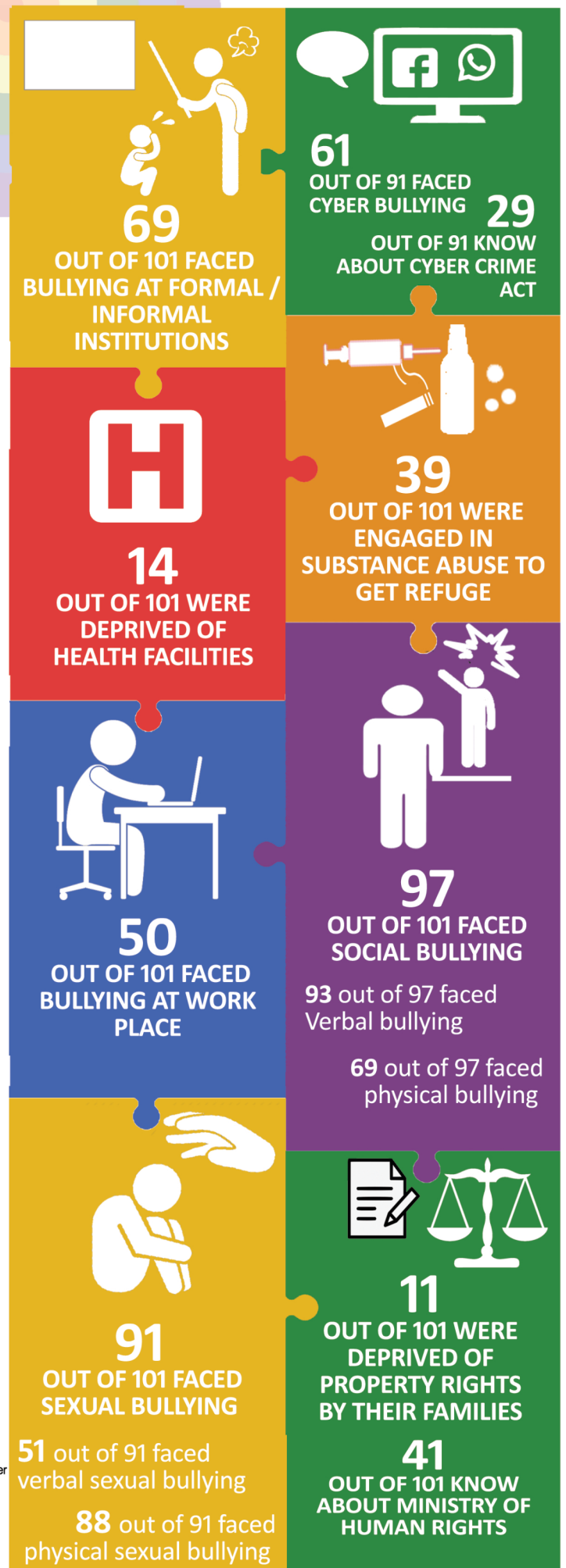
Bullying & Harassment of Sexual and Gender Minorities (SGM) in Pakistan

• Social bullying	96.0%
• Verbal bullying	92.1%
• Physical bullying	68.3%
• Sexual bullying	90.1%
• Physical sexual abuse	87.1%
• Verbal sexual abuse	50.5%
• Unequal opportunity of education	51.5%
• Lack of freedom to choose profession/career	56.4%
• Workplace bullying	49.5%
• Cyber bullying	60.4%
• Segregation	52.5%
• Deprived of property rights	10.9%
• Discrimination in hiring	20.8%
• Engaged in substance abuse to get refuge	38.6%

101
Respondents



Researcher:
Raheem Baloch
September 2019



This infographic report is produced as a primary data research study by Dareecha Male Health Society (DMHS). The contents of the study are based on data collected through research and is not the responsibility of author or DMHS and no personal views of both are reflected. Copyright(©) Dareecha Male Health Society

Annexure II:

The Gazette of Pakistan

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

ISLAMABAD, THURSDAY, MAY 24, 2018

PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 22nd May, 2018

No. F. 23(20)/2018-Legis.—The following Act of *Majlis-e-Shoora* (Parliament) received the assent of the President on the 18th May, 2018 is hereby published for general information:—

ACT No. XIII OF 2018

AN

ACT

to provide for protection, relief and rehabilitation of rights of the transgender persons and their welfare and for matters connected therewith and incidental thereto

WHEREAS it is expedient to provide for protection, relief and rehabilitation of rights of the transgender persons and their welfare and for matters connected therewith and incidental thereto;

(273)

Price: Rs. 20.50

[5944 (2018) Ex.Gaz.]

PART I] THE GAZETTE OF PAKISTAN, EXTRA., MAY 24, 2018 275

- (j) “notification” means a notification published in the official Gazette;
- (k) “PMDC” means The Pakistan Medical and Dental Council constituted under the PMDC Ordinance, 1962 (XXXII of 1962);
- (l) “prescribed” means prescribed by rules made by the Government under this Act;
- (m) “rules” means the rules made under this Act; and
- (n) “transgender person” is a person who is—
 - (i) intersex (khusra) with mixture of male and female genital features or congenital ambiguities; or
 - (ii) eunuch assigned male at birth, but undergoes genital excision or castration; or
 - (iii) a transgender man, transgender woman, *KhawajaSira* or any person whose gender identity or gender expression differs from the social norms and cultural expectations based on the sex they were assigned at the time of their birth.

(2) A word or expression not defined in the Act shall have the same meaning as assigned to it in the Code of Criminal Procedure, 1898 (Act V of 1898) or The Pakistan Penal Code, 1860 (Act XLV of 1860).

CHAPTER II

RECOGNITION OF IDENTITY OF TRANSGENDER PERSON

3. **Recognition of identity of transgender person.**—(1) A transgender person shall have a right to be recognized as per his or her self-perceived gender identity, as such, in accordance with the provisions of this Act.

(2) A person recognized as transgender under sub-section (1) shall have a right to get himself or herself registered as per self-perceived gender identity with all government departments including, but not limited to, NADRA.

(3) Every transgender person, being the citizen of Pakistan, who has attained the age of eighteen years shall have the right to get himself or herself registered according to self-perceived gender identity with NADRA on the CNIC, CRC, driving licence and passport in accordance with the provisions of the NADRA Ordinance, 2000 (VIII of 2000) or any other relevant laws.

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the Transgender Persons (Protection of Rights) Act, 2018.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions.**—(1) In this Act, unless there is anything repugnant in the subject or context,—

- (a) “Act” means the Transgender Persons (Protection of Rights) Act, 2018;
- (b) “CNIC” means Computerized National Identity Card;
- (c) “complainant” means a transgender person who has made a complain on being aggrieved by an act of harassment;
- (d) “CRC” means Child Registration Certificate or B-Form;
- (e) “gender expression” refers to a person’s presentation of his gender identity and the one that is perceived by others;
- (f) “gender identity” means a person’s innermost and individual sense of self as male, female or a blend of both or neither that can correspond or not to the sex assigned at birth;
- (g) “Government” means the Federal Government;
- (h) “harassment” includes sexual, physical, mental and psychological harassment which means any aggressive pressure or intimidation intended to coerce, unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with living, mobility or work performance or creating an intimidating, hostile or offensive work or living environment including the attempt to punish the complainant for refusal to comply with such requests or to bring forth the complaint;
- (i) “NADRA” means the National Database and Registration Authority.

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(4) A transgender person to whom CNIC has already been issued by NADRA shall be allowed to change the name and gender according to his or her self-perceived identity on the CNIC, CRC, driving licence and passport in accordance with the provisions of the NADRA Ordinance, 2000 (VIII of 2000).

CHAPTER III

PROHIBITION OF CERTAIN ACTS

4. **Prohibition against discrimination.**—No person shall discriminate against a transgender person on any of the following grounds, namely:—

- (a) the denial or discontinuation of, or unfair treatment in, educational institutions and services thereof;
- (b) the unfair treatment in, or in relation to, employment, trade or occupation;
- (c) the denial of, or termination from, employment or occupation;
- (d) the denial or discontinuation of, or unfair treatment in, healthcare services;
- (e) the denial or discontinuation of, or unfair treatment with regard to, access to, or provision or enjoyment of use of any goods, accommodation, service, facility, benefit, privilege or opportunity dedicated to the use of general public or customarily available to the public;
- (f) the denial or discontinuation of, or unfair treatment with regard to, right to movement, safe travel and use of public facilities of transportation;
- (g) the denial or discontinuation of, or unfair treatment with regard to, the right to reside, sale, purchase, rent or otherwise occupy or inherit any movable and immovable property;
- (h) the denial or discontinuation of, or unfair treatment in, the opportunity to stand for or hold public or private office; or
- (i) the denial of access to, removal from, or unfair treatment in, government or private establishment, organizations, institutions, departments, centers in whose care, custody or employment a transgender person may be.

5. **Prohibition against harassment.**—Harassment of transgender persons, as defined in this Act, both within and outside the home, based on their sex, gender identity and gender expression is prohibited.

CHAPTER IV

OBLIGATIONS BY THE GOVERNMENT

6. **Obligations of the Government.**—The Government shall take following steps to secure full and effective participation of transgender persons and their inclusion in society, namely:—

- (a) establish protection centers and safe houses to ensure the rescue, protection and rehabilitation of transgender persons in addition to providing medical facilities, psychological care, counseling and adult education to the transgender persons;
- (b) establish separate prisons, jails, confinement cells, etc for the transgender persons involved in any kind of offence or offences;
- (c) institute mechanisms for the periodic sensitization and awareness of the public servants, in particular, but not limited to, law enforcement agencies and medical institutions, relating to the issues involving the transgender persons and the requirement of protection and relief of such persons;
- (d) formulate special vocational training programmes to facilitate, promote and support livelihood for transgender persons;
- (e) encourage transgender persons to start small business by providing incentives, easy loan schemes and grants; and
- (f) take any other necessary measures to accomplish the objective of this Act.

CHAPTER V

PROTECTION OF RIGHTS OF TRANSGENDER PERSONS

7. **Right to inherit.**—(1) There shall be no discrimination against transgender persons in acquiring the rightful share of property as prescribed under the law of inheritance.

(2) The share of transgender persons shall be determined as per the gender declared on CNIC in accordance with the law of inheritance in Pakistan.

- (a) in determining who should be offered admission; or
- (b) in the terms or conditions on which admission is offered; or
- (c) by denying the person's access, or limiting the person's access, to opportunities, training or to any other positive externalities associated with the education; or
- (d) by denying access to appropriate student facilities based on a person's sex, gender identity and expression.

9. **Right to employment.**—(1) The Government must ensure the right to enter into any lawful profession or occupation and to conduct any lawful trade or business for the transgender persons as guaranteed under Article 18 of the Constitution of the Islamic Republic of Pakistan.

(2) No establishment, institution, department, organization, shall discriminate against any transgender person in any matter relating to employment including, but not limited to, recruitment, promotion, appointment, transfer and other related issues.

(3) It shall be unlawful for an employer to discriminate against an employee on the ground of his sex, gender identity or gender expression,—

- (a) in determining who should be offered employment; or
- (b) in the terms or conditions on which employment is offered; or
- (c) by denying the employee access, or limiting the employee's access, to opportunities for promotion, transfer or training or to any other benefits associated with employment; or
- (d) by dismissing the employee; or
- (e) by subjecting the employee to any other detriment.

10. **Right to vote.**—No transgender person shall be deprived of his right to cast a vote during national, provincial and local government elections:

Provided that the access to polling stations shall be determined according to the gender declared on the CNIC of a transgender person.

11. **Right to hold public office.**—(1) There shall be no discrimination on the basis of sex, gender identity and gender expression for transgender persons if they wish to contest election to hold public office.

(3) The share of inheritance for transgender persons will be as follows:—

- (i) for transgender male, the share of inheritance will be that of man;
- (ii) for transgender female, the share of inheritance will be that of woman;
- (iii) for person who has both male and female or ambiguous characteristics, such as their state is difficult to determine upon birth, following shall apply:—

- (a) upon reaching the age of eighteen years, if the person's self-perceived gender identity is transgender male, the share of inheritance will be that of man;
- (b) upon reaching the age of eighteen years, if the person's self-perceived gender identity is transgender female, the share of inheritance will be that of woman;
- (c) upon reaching the age of eighteen years, if the person's self-perceived gender identity is neither transgender man nor transgender woman, the share of inheritance will be an average of two separate distributions for a man and a woman; and
- (d) below the age of eighteen years, the gender as determined by medical officer on the basis of predominant male or female features.

8. **Right to education.**—(1) There shall be no discrimination against transgender persons in acquiring admission in any educational institutions, public or private, subject to fulfillment of the prescribed requirements.

(2) All educational institutions shall provide education and opportunities for sports, recreation and leisure activities without any discrimination and on an equal basis with others.

(3) The Government shall take steps to provide free and compulsory education to transgender persons as guaranteed under Article 25A of the Constitution of the Islamic Republic of Pakistan.

(4) It is unlawful for an institution, whether private or public, to discriminate against a person on the ground of person's sex, gender identity and gender expression, including but not limited to,—

12. **Right to health.**—The Government shall take the following measures to ensure non-discrimination in relation to transgender persons, namely:—

- (a) to review medical curriculum and improve research for doctors and nursing staff to address specific health issues of transgender persons in cooperation with PMDC;
- (b) to facilitate access by providing an enabling and safe environment for transgender persons in hospitals and other healthcare institutions and centers;
- (c) to ensure transgender persons access to all necessary medical and psychological gender corrective treatment.

13. **Right to assembly.**—(1) The Government must ensure the freedom of assembly for transgender persons in accordance with Article 16 of the Constitution of the Islamic Republic of Pakistan.

(2) The Government must take steps to ensure appropriate safety measures for transgender persons.

(3) No discrimination shall be made on the basis of person's sex, gender identity and gender expression subject to reasonable restrictions imposed by law in the interest of public order.

14. **Right of access to public places.**—(1) No transgender person shall be denied access to public places, places of entertainment or places intended for religious purpose solely on the basis of his sex, gender identity or gender expression.

(2) The Government must ensure transgender persons' access to public places in view of Article 26 of the Constitution of the Islamic Republic of Pakistan.

(3) It shall be unlawful to prevent transgender persons to access facilities available for access of general public and public places mentioned in sub-section (1).

15. **Right to property.**—(1) No transgender person shall be denied right to purchase, sell, rent or lease property, household or tenancy on the basis of sex, gender identity or gender expression.

(2) It shall be unlawful to discriminate any transgender person with regards to renting, subletting or tenancy on the basis of his sex, gender identity or gender expression.

16. **Guarantee of fundamental rights.**—(1) In addition to rights mentioned in this Chapter, fundamental rights mentioned in Part II of Chapter I of the Constitution of the Islamic Republic of Pakistan shall be available unequivocally for every transgender person.

(2) It shall be the duty of the Government to ensure that the fundamental rights mentioned in sub-section (1) are protected and there shall be no discrimination for any person on the basis of sex, gender identity or gender expression.

17. **Offences and penalties.**—(1) Whoever employs, compels or uses any transgender person for begging shall be punishable with imprisonment which may extend to six months or with fine which may extend to fifty thousand rupees or with both.

CHAPTER VI

ENFORCEMENT MECHANISM

18. **Enforcement mechanism.**—In addition to the remedies available under the Constitution or The Pakistan Penal Code 1860 (Act XLV of 1860), the Code of Criminal Procedure, 1898 (Act V of 1898) or the Code of Civil Procedure 1908 (Act V of 1908), the aggrieved transgender person shall have a right to move a complaint to the Federal Ombudsman, National Commission for Status of Women and National Commission of Human Rights (NCHR) if any of the rights guaranteed herein are denied to him or her.

CHAPTER VII

MISCELLANEOUS

19. **Act having over-riding effect to any other law.**—The provisions of this Act shall have an over-riding effect on any other law for the time being in force.

20. **Power of Government to make rules.**—The Government may, by notification, make rules for carrying out the purposes of this Act.

21. **Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the Government may make such order or give such directions, by order published in the official Gazette, or make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) The Commission shall make policy guidelines for the purpose of this Act and shall take necessary steps for implementation of the provisions of this Act.

4. **Composition of the Commission.**—(1) The management, overall control and supervision of the affairs of the Commission shall vest in a Board of Governors consisting of the following members:

- the Minister for Federal Education and Professional Training, who shall be the Chairman of the Board;
- three Members of the Senate nominated by the Chairman Senate;
- three members of the National Assembly nominated by the Speaker National Assembly;
- one member from each Provincial Assembly nominated by Speaker of respective Assembly;
- three civic education experts nominated by the Government;
- two representatives from media; and
- the Director General of the Commission, who shall be the Secretary of the Board.

(2) The members of the Board of Governors, other than the *ex-officio* members, shall hold office for three years and shall be eligible for re-appointment.

5. **Director General.**—(1) The Director General shall be the Chief Executive Officer of the Commission and shall subject to the general supervision of the Chairman of the Board of Governors, be responsible for carrying out the objects of the Commission as laid down by the Board from time to time.

(2) The Director General of the Commission shall be appointed for a term of three years.

6. **Meetings of the Commission.**—(1) The meetings of the Commission shall be held quarterly, and shall be presided over by the Chairperson or, in his absence, by a member nominated by the Chairperson for

ACT No. XIV OF 2018

AN

ACT

to provide for and promote Civic Education and create awareness relating to fundamental rights and obligations of citizens

WHEREAS it is expedient to foster civic competence and responsibility amongst the citizens; educate people relating to fundamental rights and obligations of citizens; to highlight the importance of civic education in inculcating value citizenship, knowledge, skills and values and to deal with ancillary matters;

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the National Civic Education Commission Act, 2018.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. **Definitions.**—In this Act unless there is anything repugnant in the subject or context,—

- “civic education” means provision of information and learning experiences to equip and empower citizens to participate in democratic processes;
- “Commission” means National Civic Education Commission established under section 3 of the Act;
- “Constitution” means the Constitution of the Islamic Republic of Pakistan; and
- “Government” means the Federal Government.

3. **Establishment of the Commission.**—(1) As soon as after the commencement of this Act, Government shall establish a Commission to be known as the National Civic Education Commission.

the purpose. One third of the total members shall constitute the quorum and no quorum shall be necessary for adjourning the meeting.

(2) All decisions of the Commission shall be taken with simple majority of the members of the Commission present in the meeting. The Chairperson shall have a casting vote in case of a tie.

(3) Decision of the Commission shall be recorded by the Secretary of the Commission, who shall circulate such decisions for confirmation to Chairperson and the members within fifteen days of each meeting.

7. **Functions of the Commission.**—The Commission shall perform following functions, namely:—

- to develop the understanding of the principles and objectives of the Constitution, fundamental rights as enshrined in the Constitution and inculcating respect for the rights of women and minorities in the students;
- to educate and encourage the citizens to defend the Constitution at all times, against all forms of abuse and violations;
- to develop courses for realizing the objectives of the Constitution;
- to create awareness amongst citizens about civic responsibilities and an appreciation of their rights and obligations as citizens of Pakistan;
- to take special measure for promotion of civic education in rural areas;
- to organize capacity building programmes on civic education for academicians;
- to achievement of true democracy arising from the existing inequalities between different strata of the population and measures necessary for redressing these inequalities;
- to propagate counter narrative to violence, terrorism and extremism;
- to promote cleanliness and respect for environment;

- (j) to develop the narrative of unity, faith, discipline and tolerance amongst the citizens; and
- (k) to inculcate respect for laws especially traffic laws amongst the youth.

8. **Responsibility of Schools.**—(1) An in-charge of a school shall ensure imparting civic education to students through lectures, tutorials and practical work.

(2) The method of teaching civic education may include the following, namely:—

- (a) formal instructions regarding the role of Legislature, Executive, Judiciary, Law and Democracy;
- (b) guided discussion of current local, national, and international issues and events;
- (c) active learning experiences where students perform community service;
- (d) co-curricular activities to foster engagement with other schools and communities;
- (e) student participation in school governance; and
- (f) student participation in simulations of democratic processes.

9. **Audit.**—The accounts of the Commission shall be audited annually by the Auditor General of Pakistan and the balance-sheet and statement of assets and liabilities shall be duly considered by the Board of Governors.

10. **Act not in derogation of any other law.**—The provisions of this Act shall be in addition to and not in derogation of any other law for time being in force.

11. **Power to make rules.**—The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

- (i) that the witness's name and other identifying details shall be withheld or removed from materials disclosed to any party to the proceedings;
- (ii) the witness shall use a pseudonym;
- (iii) that the witness shall not be asked questions of any specified description that might lead to the identification of the witness;
- (iv) that the witness shall be screened so as to prevent his identification; and
- (v) that the witness's voice is subjected to modulation to any specified extent;
- (c) live link which refers to a live television link or other arrangements whereby a witness, whilst absent from the courtroom but present at a prescribed location is able to testify and be heard and seen by a Judge. Where a direction for a live link has been given, Cross-examination must be conducted by live link. The Court in furtherance of the interest of justice may order the image and voice of the witness to be morphed so as to protect the identity of the same; and
- (d) identification Parade shall be carried out by way of witness screening which is the use of screens, curtains or two-way mirrors to shield witnesses and their identity from the Accused and from the public and the media as a means to reduce any potential intimidation and face to face confrontation.

(2) The Court may make such an order only if it is satisfied that the following conditions are met, namely:—

- (a) the proposed order is necessary,—
 - (i) in order to protect the safety of the witness or another person or to prevent any serious damage to property; or
 - (ii) in order to prevent real harm to the public interest; or
 - (iii) in order ensure expeditious trial; and
- (b) having regard to all the circumstances, the effect of the proposed order should be consistent with the defendant receiving a fair trial.”

ACT No. XV of 2018

AN

ACT

further to amend the Anti-Terrorism Act, 1997

WHEREAS it is expedient to further amend the Anti-Terrorism Act, 1997 (XXVII of 1997), in the manner, hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Anti-Terrorism (Amendment) Act, 2018.

(2) It shall come into force at once.

2. **Insertion of new section in Act, XXVII of 1997.**—In the Anti-Terrorism Act, 1997 (XXVII of 1997), after section 21A, the following new section shall be inserted, namely:—

“21AA. **Protection of Judges, prosecutors, witnesses and persons concerned with Court proceedings.**—(1) For the purposes of protecting the Judges, prosecutors, witnesses and persons concerned with Court proceedings, the Court may make such necessary orders or take such measures, as it deems fit, which may include the following:—

- (a) proceedings may be held in camera, or under restricted entry, where necessary, to prevent persons from crowding or storming the Court to intimidate the Judge and/or prosecutor or to create a threatening atmosphere which may impede the trial;
- (b) witness anonymity Order may be passed by a Court that requires such specified measures to be taken in relation to a witness in proceedings, as the Court considers appropriate to ensure that the identity of the witness is not disclosed in or in connection with the proceedings. The kinds of measures that may be required to be taken in relation to a witness may include measures for securing one or more of the following:—

ACT No. XVI of 2018

AN

ACT

further to amend the Prevention of Cruelty to Animals Act, 1890

WHEREAS it is expedient further to amend the Prevention of Cruelty to Animals Act, 1890 (XI of 1890) for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Prevention of Cruelty to Animals (Amendment) Act, 2018.

(2) It shall come into force at once.

2. **Amendment of section 3, Act XI of 1890.**—In the Prevention of Cruelty to Animals Act, 1890 (XI of 1890), hereinafter called the said Act, in section 3,—

- (a) for the words “fifty rupees”, the expression “one hundred thousand rupees, but shall not be less than ten thousand rupees” shall be substituted; and
- (b) for the words “one hundred rupees”, the expression “two hundred thousand rupees, but shall not be less than twenty five thousand rupees” shall be substituted.

3. **Amendment of section 3A, Act XI of 1890.**—In the said Act, in section 3A,—

- (a) in sub-section (1), for the words “fifty rupees”, the expression “one hundred thousand rupees, but shall not be less than ten thousand rupees” shall be substituted; and
- (b) in sub-section (2), for the words “one hundred rupees”, the expression “two hundred thousand rupees, but shall not be less than twenty five thousand rupees” shall be substituted.

4. **Amendment of section 4, Act XI of 1890.**—In the said Act, in section 4 in sub-section(1),—

- (a) for the words "five hundred rupees", the expression "three hundred thousand rupees, but shall not be less than fifty thousand rupees" shall be substituted; and
- (b) in the proviso, for the words "five hundred rupees", the expression "five hundred thousand rupees, but shall not be less than fifty thousand rupees" shall be substituted.

5. **Amendment of section 5, Act XI of 1890.**—In the said Act, in section 5, for the words "two hundred rupees", the expression "three hundred thousand rupees, but shall not be less than fifty thousand rupees" shall be substituted.

6. **Amendment of section 5A, Act XI of 1890.**—In the said Act, in section 5A, for the words "one hundred rupees", the expression "two hundred thousand rupees, but shall not be less than twenty five thousand rupees" shall be substituted.

7. **Amendment of section 6, Act XI of 1890.**—In the said Act, in section 6, for the words "one hundred rupees", the expression "two hundred thousand rupees, but shall not be less than twenty five thousand rupees" shall be substituted.

8. **Amendment of section 6C, Act XI of 1890.**—In the said Act, in section 6C, for the words "fifty rupees", the expression "three hundred thousand rupees, but shall not be less than fifty thousand rupees" shall be substituted.

9. **Amendment of section 7, Act XI of 1890.**—In the said Act, in section 7,—

- (a) for the words "one hundred rupees", the expression "two hundred thousand rupees, but shall not be less than twenty five thousand rupees" shall be substituted; and
- (b) for the words "fifty rupees", the expression "one hundred thousand rupees, but shall not be less than ten thousand rupees" shall be substituted.

10. **Amendment of section 15, Act XI of 1890.**—In the said Act, in section 15, in sub-section (3), for the words "fifty rupees", the expression "one hundred thousand rupees, but shall not be less than ten thousand rupees" shall be substituted.

ACT No. XVII of 2018

AN

ACT

further to amend the Pakistan Bait-ul-Mal Act, 1991

WHEREAS it is expedient further to amend the Pakistan Bait-ul-Mal Act, 1991 (I of 1992), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Pakistan Bait-ul-Mal (Amendment) Act, 2018.

(2) It shall come into force at once.

2. **Amendment of section 4, Act I of 1992.**—In the Pakistan Bait-ul-Mal Act, 1991 (I of 1992), in section 4,—

- (a) in clause (h), the word "and", occurring at the end shall be omitted and after clause (h), amended as aforesaid, the following new clause shall be inserted, namely:—

"(i) to provide for rehabilitation services and to establish rehabilitation centres for the rehabilitation of disabled children; and"; and

- (b) the existing clause (i), shall be re-numbered as clause (j).

ACT No. XVIII of 2018

AN

ACT

further to amend the Pakistan Penal Code, 1860 and the Code of Criminal Procedure, 1898

WHEREAS it is expedient further to amend the Pakistan Penal Code, 1860 (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act V of 1898), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Criminal Laws (Amendment) Act, 2018.

(2) It shall come into force at once.

2. **Amendment of section 510, Act XLV of 1860.**—(1) In the Pakistan Penal Code, 1860 (XLV of 1860), in section 510.

- (i) for the words "twenty four hours" the words "seven days but shall not be less than forty eight hours" shall be substituted; and
- (ii) for the words "thirty rupees" the words "one hundred thousand rupees but shall not be less than ten thousand rupees" shall be substituted.

3. **Amendment of Schedule II, Act V of 1898.**—In the Code of Criminal procedure, 1898 (V of 1898), in Schedule II, against section 510, for the entry in column 7, the following shall be substituted, namely:—

"simple imprisonment for 7 days but shall not be less than 48 hours, or fine of 100000 rupees but shall not be less than 10000 rupees, or both".

TAHIR HUSSAIN,
Secretary.

Annexure III:

Questionnaire

Bullying of SGM is globally being treated as a very significant hindrance in exercising a person's full potential as a human being. Studies conducted nationally in other countries have shown a grave picture of bullying of SGM groups that has negatively impacted their lives. This study results will generate evidence and highlight the types and extent of SGM bullying and harassment in Pakistan and will help for advocacy and lobbying with Human Rights Commission of Pakistan and Civil Society working on human rights of minorities and gender issues.

(All Information shared by the participants would be kept confidential)

Basic Information

Name:

Age:

Date of birth:

SGM category:

Educational qualification:

Profession:

Professional experience:

City:

Email address:

Existence on social media:

Telephone Number:

Sexual orientation:

- How do you identify your sexuality?
- At what age did you realize your sexual orientation or gender identity is different from pre-defined hetero-normative gender roles?
- How and when you shared your SGM status with family, friends and community?
- What was their reaction? From where the worst reaction came from?

(Explain the terms bullying and harassment to the respondents)

Social Bullying:

What kind of bullying have you faced in the society? Kindly narrate some incidents to explain the type of bullying.

Verbal:

- What words were used?
- What was the intensity?
- What was the age group when you faced verbal bullying the most?
- What kind of social circle was that?
- What was your reaction?
- What was the reaction of the people around you?
- What was the reaction of your family?
- What are the common words that irritate you the most and why?
- Did you report that or complained about that? If yes, then what was the forum? And what was the response?
- Are you aware of the helpline of Ministry of Human Rights or Commissions made for the protection of the rights of vulnerable groups?

Physical:

- Have you ever been targeted physically because of your SGM status?
- What was your age group?
- What social group bullied you physically the most?
- Were you pressurized to get married? (This is a tactic commonly used by the parents which they think can correct the sexual orientation of a person.)
- What was your reaction to bullying?
- What was the reaction of your family?
- What was the reaction of people around you?
- What was the reaction of the family?
- Did you report that or complained about that? If yes, then what was the forum? And what was the response?

Sexual:

- Have you ever faced sexual bullying?
- Was it physical or verbal?
- What social group bullied you sexually the most?
- What was your reaction?
- What was the reaction of your family?
- What was the reaction of people around you?
- What was the reaction of the family?
- Did you report that or complained about that? If yes, then what was the forum? And what was the response?

Bullying in academic institutions:

- Were you allowed to have equal opportunity of education? What discrimination did you notice in this regard?
- How was the behavior of teachers and fellow students towards you when they realized your SGM status?
- What kind of bullying you faced in academic institutions? (Verbal, physical, sexual)
- Did you report such incidents? If yes, where and what was the reaction?
- What was the impact of bullying on your studies and day to day life?

Bullying at workplace:

- Did you have freedom to choose your professions?
- Did you face discrimination in the hiring process?
- Did you face bullying at work place?
- What kind of bullying you faced? (Verbal, physical, sexual)
- What was your response?
- What was the response of colleagues and your higher ups?
- Did you file any complaint in office or court? If yes, what was the response?

Cyber bullying:

- What social media forums do you use?
- Did you face any bullying on social media, especially after your follower or followers realized your inclinations?
- What kind of bullying you have faced on social media forums? (In the form of text messages, videos, pictures etc)
- What was your response towards that act?
- Did you report any incident? If yes, on forum you reported the incident? (FIA, Family, Elder, Friends)
- What was the response? Did you receive any help
- Are you aware of the helplines available for cyber bullying?

Impact:

Psychological:

- What kind of psychological issues you face as a result of bullying? (anxiety, depression, suicidal tendencies)
- Have you ever been deprived of getting health facility because of your SGM status
- Have you ever consulted a psychiatrist or psychotherapist?
- What kinds of facilities are available to deal with psychological issues faced by SGMs?
- What kind of facility was that and what was the behavior of the consultant?
- Did you find them trained, informed and sensitive enough to deal with SGMs?
- Did you find any forum or connected to any forum where you can discuss your issues related to your sexual orientation?
- What kind of help and support they offered?
- What were the challenges in accessing those forums?

Social:

- What kind of changes you observed in your social interaction behavior after these incidents?
- Did you suffer internalization, homophobia or self-pity?
- Have you ever been segregated in the family, office or community due to your sexual inclinations?
- Were you able to attend family events, social get together?
- Have you ever been engaged in substance abuse to get refuge?
- Did you leave your family?
- What impact it had on your economic activity?
- Have you ever been deprived of property rights because of your SGM status
- Did you vote?

Solutions and recommendations:

- Do you think that things are improving for?
- What are your suggestions to improve the situation in the society? For government, civil society, parents.

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