

GENDER IDENTITY

HUMANITY IN ACTION

Gender and Sexual Identity in Pakistan

An Essay by Forum for Dignity Initiatives, Pakistan and AKS Film, Art & Dialogue Festival, Denmark

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GENDER AND SEXUAL IDENTITY IN PAKISTAN

By Forum for Dignity Initiatives, Pakistan and AKS Film, Art & Dialogue Festival, Denmark

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Pakistan is an Islamic republic constitutionally reformed on the laws inspired by Islamic values and old British colonial laws; that means a family is completed with a husband and a wife of opposite sex and general ideas of genders are limited to male and female only. There is no acceptance for LGB¹ in Pakistani society, not only by laws which were imposed by British colonial masters in sub-continent but also due to Pakistan's highly prevalent religious values. The only somewhat tolerated alternative community in Pakistan is the large transgender woman community – often referred as Hijra or Khawja Serah, however the TG² community in Pakistan doesn't completely agree with the word "Hijra" and consider it as a derogatory term therefore the Persian word Khawja Serah (royal servants) is more acceptable.

Historically, transgender communities have always been a visible part of Pakistani society or sub continental history, dating back to the Mughal Empire where they served the queens at the royal courts. Despite their once respectable position in society, their status has significantly deteriorated over the years, Khawja Serah community is ostracized, forced to live communal lives and is left no other option but to sex work, beggary and dance to earn a living.

However, the Indian sub-continent has experienced the British rule and under the 1860 penal code clause 377 introduced banning the homosexual relationships declaring "obscene acts and songs" a crime added up by clause 294³ that still prevails. But it won't be false to say that Khawja Serah is an umbrella term, not only for transgender community but a term for gender and sexual diversity mostly among lower middle class population of Pakistan. These minority groups are ridiculed because of their neutral and taboo-infested status in a society where being a sexual minority is considered satanic, a lifestyle choice and a crime leading to a two to ten year incarceration or a death penalty owing to the kind of law followed: Colonial Law or Sharia Law.

Transgender community faces multiple issues of discrimination, social stigma and exclusion leading to their deprived socio-economic status. They have less economic opportunities or in other words the decent living which is widely accepted by the society. They are isolated within their community having Khawja Serah Deera⁴ life and inclusion in the wider society only to earn livelihood by dancing in birthday parties, wedding ceremonies, beggary or sex work. Since, the challenges for survival in strict conservative atmosphere have left them with limited options to establish their status in the society. Therefore, TG community chose to form clandestine lifestyles with their own customs, traditions, internal economic support system, adoption system and a unique coded language called Farsi Kalam that is not only spoken and understood among Pakistani TG community but also in India, Nepal, Bangladesh and other neighboring countries.

¹ LGB stands for Lesbian/Gay/Bisexual

² TG: abbreviation used for transgender

³ Claire Pamment: Hijraism Jostling for a third space in Pakistan politics TDR: The Drama Review, Volume 54, Number 2, Summer 2010 (T206), pp. 29-50 (Article)

<http://muse.jhu.edu/journals/tdr/summary/v054/54.2.pamment.html>

⁴ Khawja Serah Deera- is a word for Transgender dormitories. Such dormitories are often found in slums or in the outskirts of bigger cities in Pakistan

In 2009, the political activism of Khawaja Serah community has earned them some basic civil rights, a third gender option in the 'Sex' category for the official documents. However, the official recognition has not stopped discrimination against those who choose not to be identified as either male or female. In the past six years, fewer than 10% of the TG population issued new identity cards stating their preferred gender designation (according to the National Database & Registration Authority). Most TG community members are still listed as male, though, because they have failed to submit the documents necessary to enact a change. Some Muslim Khawaja Serahs choose not to officially change their gender because doing so would make a pilgrimage to Mecca impossible. Saudi Arabia does not recognize a third gender.

The Khawja Serah or TG communities in Pakistan still face multiple levels of legal, institutional and societal discrimination. Constitution and laws at the state level do not discriminate on the bases of sex or gender, however, a focused protection mechanism and legal framework is required to protect most vulnerable and marginalized groups like transgender community in Pakistan.

The situation is further compounded by the lack of respect and acceptance for these groups within their own families making them social outcasts and depriving their fundamental rights and subjecting them to multiple discrimination, harassment and violence simply on the basis of their gender and identity. Despite Supreme Court of Pakistan's ruling in 2009, which also refers to "transgender persons should be given equal inheritance, access to public services and job opportunity rights, amongst others"; no proactive action has been undertaken to this end.

The Pakistani Supreme Court used the word "Eunuchs"⁵ in entire ruling, complicates the situation as "eunuchs" term refers only to cis-individuals, which is certainly not suitable for the implementation of TG rights. This also explains the lack of sensitization and insight of decision makers/judiciary about the TG community. NADRA⁶ is required to adopt a strategy with the assistance of concerned department of the government, to record exact status in the column meant for male or female after undertaking some medical tests based on hormones. However, not all members of TG community prefer to undertake castration, sexual re-assignment surgery or hormonal therapy further complicates the implementation. Another situation follows in case of voting right, TG members were granted the right to vote in a 2011 Supreme Court decision and several transgender candidates ran in Pakistan's 2013 general election.⁷ Although, TG community members are entitled for entering their names in the electoral list but separation of voting booths on the basis of male and female genders in Pakistan further complicates the implementation of the rule.

There is no exact number of populations of transgender available living in Pakistan leading by two reasons; first there has been no national census since 1998, two, even in that last national census transgender were not recognized as third gender officially and therefore all data was marked in male sex boxes. Different study and survey reports share the approximate number of transgender 0.4 million⁸, however some quote, 1.5 million and some quote 0.5 million⁹ but the number in actual may be much higher.

⁵ Eunuch, defined as male who underwent castration or be incapable of reproduction but in Indian sub-continent the term is also used for transgender or Khawaja Serah community

⁶ National Database & Registration Authority (NADRA)

⁷ RICHARD E. HOAGLAND: Transgender Rights: Progress in South Asia (May 8,2014) [Richard E. Hoagland](#) serves as Principal Deputy Assistant Secretary of State for the [Bureau of South and Central Asian Affairs](#).

⁸ Jason Burke-The Guardian, Pakistan's once-ridiculed transgender community fight elections for first time (May 2013)

Entitlement of exercising the right to have National Identity Card (CNIC) is not enough as there are some reservations amongst the TG communities in relation to inheritance laws. Many opt not to have declared as MTF¹⁰ or TG woman in their identity box being afraid of having fewer or no shares in inheritance of their parents/family property. Likewise, there are no policies have been designed to ensure TG access to all public and private education facilities/institutions. Mere granting the space to exercise the right to have education is not enough in prevailing circumstance where school administration/faculty and fellows are not sensitized or educated about the issues of TG community. The very rare employment opportunities offered to the community members are either not enough and do not meet the interest of TG community. Despite the fact, that the Supreme Court's ruling clearly states to appoint TG at position or nature of job they prefer or find suitable for them but there is no need assessment or any particular situation analysis. TG community has its different dynamics and structure within community, their needs and preferences are unique which are yet to be explored to ensure the maximum level of benefit out of legal status recognized in 2009.

About AKS Festival

AKS is a Danish-Pakistani initiative and politically independent non-profit organization founded in April 2014. In December 2014, AKS presented its first Festival in Lahore and Islamabad (Pakistan).

AKS was created to promote visibility and empower the transgender and queer community via film, art and dialogue. AKS aims to promote a global and open approach to gender and sexuality everywhere in the world. AKS Film Art & Dialogue Festival screens films, accompanied by discussions and debates, organize educational workshops, art exhibitions and performing arts events that promote awareness and dialogue about issues impacting minorities and marginalized groups. AKS engages its audience in a way that challenges them to empathize and demand justice for minorities and marginalized communities.

About Forum for Dignity Initiatives (FDI Pakistan)

Forum for Dignity Initiatives (FDI Pakistan) is an independent, registered non-governmental and nonprofit civil society right based organization, it was established in 2010.

FDI is a research and advocacy forum to promote rights of identified marginalized groups (transgender, sex workers and young girls/women) and to empower these identified communities. It envisions "a society where all human rights are ensured and respected for all human beings equally treated with dignity despite of their difference of gender appearances and sexual orientations".

In collaboration with various stakeholders and TG community across Pakistan, FDI has taken several initiatives to address the issues of TG community. Several awareness campaigns and research initiatives have been taken up so far. One of such noticeable research is a national level study on TGs funded by the United States Agency for International Development (USAID), which is a unique study on TG community of Pakistan for the very first time.

AKS & FDI Collaboration

Considering the common grounds of mutual mission to empower marginalized communities through research, art, advocacy, awareness, education and dialogue AKS and FDI decided to work in close collaboration to complement and supplement each other to achieve common goal.

FDI is official country partner to AKS and here it focuses on three major themes;

1. To facilitate AKS team to organize annual AKS film festival here in Pakistan,

⁹ Human Rights Commission of Pakistan (HRCP) -2013

¹⁰ MTF : male to female transgender identity

2. To organize monthly meetings/events to initiate comprehensive dialogue to highlight the issues TG community faces and to develop strategies to solve issue and counter Hate-crime against TG community
3. To commence a functional literacy, skills building and art forum for the community members in Pakistan

Transgender empowerment program in Pakistan

This maybe the first and outstanding idea, which FDI and AKS is working on, the core idea behind this forum is to provide a safe space to community members within their vicinities where they can easily access and join classes of functional literacy and art activities. We call it functional literacy because it aims to facilitate community to learn and understand day to day terms and their usages in different spheres of life in English & Urdu language. It will help them to relate with general community and will improve their self-confidence where they can directly access any of the public or private institutions in case they need so. This learning will also help them to apply for main stream jobs like computer operators, admin/HR associate or any job of their interest. It will help them to understand significant day to day life terminologies like what is inheritance, what is state and role of government, human rights, civil rights, political rights, what is a constitution, who to access in case of physical and sexual abuse etc.

This forum will provide unique opportunities to interact with different groups such as law experts, gender experts, rights activist, journalists, politicians and managers of corporate and nonprofit. Artist from different art school will also be requested to organize different art workshops for community so they can learn or improve art form of their choice.

We assume to operationalize this forum by end of August 2015. Initially this forum will be functional in Islamabad only and later on we will extend it to other large cities of Pakistan - Lahore and Karachi. So far, we have been able to sensitize community, identified a physical space for schools and pinned resources around it in Bari Amam, a small town near the capital of Pakistan. Functional literacy forum is just one small step towards the empowerment of TG community, and there is much more to be done for community to ensure their active and effective participation in the society on equal footing without any discrimination.

Other than socio-cultural constraints and challenges we face in our work; limited resources and support, which also appear as one of the challenges hindering our work pace and passion. FDI & AKS will be executing it from its self-help initiative which sometimes becomes difficult to manage. Therefore, both organizations with limited resource have already started their work on a minimal level by organizing events on Hate-crime, TG youth issue, Art classes etc. to reach their target groups for capacity building. More information about AKS-FDI empowerment program can be obtained on www.aksfestival.com