[**In a moral panic**](https://www.dawn.com/news/1754326/in-a-moral-panic)

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THE Human Rights Commission of Pakistan is the conscience of the nation. If a human rights transgression occurs, the HRCP reacts promptly. Every year, it publishes a report on the human rights situation in Pakistan, pointing out to both the authorities and the people where they are failing. It has been doing this for 35 years.

The following passage in the HRCP rep­ort for 2022 issued recently should be cause for alarm: “The HRCP was particularly concerned about the threatened reversal of transgender rights during the year. The progressive federal act of 2018, which was a result of a year-long consultative process, was made unduly controversial in and outside the courts and legislature.”

As a result of the atmosphere created by self-appointed leaders of religious opinion, 19 transgender persons were murdered and hundreds faced violence. The Transgender Persons (Protection of Rights) Act, 2018, which had enabled Nadra to register transpersons, has been stalled due to controversy.

This law had been welcomed as the most enlightened piece of legislation in the country by saner sections of society, as well as by Amnesty International. Pakistan is on the list of countries that have recognised transgender persons as having a separate identity. What we are witnessing today is a backlash.

The Transgender Act needs to be strengthened, not undermined.

I called up Bindiya Rana, the pioneer of the transgender movement in Pakistan. She founded the Gender Interactive Alliance in 2002 to wage a long struggle to mobilise her people and then to persuade the authorities that transgender persons are also a creation of God like all of us and are entitled to equal rights under the Constitution. In fact, they have to be facilitated to address their gender ambiguities. Bindiya sounded bitter but remained remarkably calm and willing to talk to those challenging the 2018 law.

“It has taken them four years to realise that there was something wrong with the law,” she remarked sarcastically. “And in our society you know how you can bring people together in the name of religion,” she added.

It may be pointed out that the 2018 law was a carefully considered piece of legislation. The Council of Islamic Ideology endorsed it in order to uphold the dignity of transpersons. Now there appears to have been a change of heart in some quarters. The objections raised are nebulous and show no respect for the dignity of transgender persons. Three or four bills have been put forward as alternatives to the ‘objectionable’ Act. Nearly 14 petitions have been filed in the Federal Shariat Court which has neither rejected nor upheld them.

The major objection being raised is about the transpersons’ right to self-perceived sexual identity. The critics shamelessly demand that all transpersons have a medical examination by a screening board to establish their gender, whereas the Act accepts the idea of self-perceived expression of gender identity.

One might ask if the same applies to the binary-gendered. Much of the debate has focused on frivolous issues as the use of the words ‘sex’ and ‘transgender’ are considered taboo. I wonder if such prudery is really sanctioned by our brand of morality while sexual abuse and rape seem to be quite acceptable.

The fact is that the Act needs to be strengthened to do away with the social exclusion of transpersons. Some amendments to the law are needed to correct the anomalies in the inheritance law if transgender persons are to be given justice. Another provision that should be inserted in the Act is to make parents liable to be punished if they aband­­on a tra­ns­ge­n­der child be­­fore s/he is 18 years.

It is equally important that all provisions in the Act for the protection of the transgender persons’ rights are actually implemented. Hardly any hospital or prison has wards or cells for transpersons. No shelter homes have been set up for them as required by the law. They are discriminated against in education, healthcare, public places and also in hiring. They are the most marginalised community in Pakistan and the most vulnerable to sexual violence and indignities of the worst kind.

The redeeming factor is the empowerment of a growing number of transpersons, who are now acquiring an education and struggling for their rights. They have entered all professions and have won recognition in many sectors of society. The HRCP report’s thematic section on transgender persons’ right has been written by a transgender woman, Mehtab Jameel, a lawyer. Without doubt, it is an excellent piece of writing.

It is strange that the self-proclaimed guardians of religion should feel so threatened by the Transgender Act that they deem it as something that will “undermine the foundations of the Islamic Republic of Pakistan causing moral panic”.

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