PRO GENDER SUPPORT FOUNDATION

A PGSF GUIDE · LAW & RIGHTS

THE TRANSGENDER PERSONS ACT 2018 IN PLAIN LANGUAGE

Know your rights. Know where to get help. What the law says, what changed after the 2023 Federal Shariat Court decision, and where to turn if your rights are denied.

Identity · Education · Work · Health · Protection · Justice

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progendersupport.org

The **Transgender Persons (Protection of Rights) Act, 2018** (Act No. XIII of 2018) is a federal law passed by Parliament. The President signed it on 18 May 2018, it was published in the Gazette on 24 May 2018, and it **applies to the whole of Pakistan.**

What the Act does

- **Recognises transgender persons, khawaja sira and intersex persons**
- **Bans discrimination and harassment**
- **Protects education, work, health, vote and property**
- **Requires protection centres and safe houses**
- **Makes forced begging a crime**

WHO IS COVERED & YOUR IDENTITY

Section 2: Who the Act covers

The Act says a "transgender person" includes:

Intersex (khunsa) persons: born with a mix of male and female physical features, or features that are not clearly male or female.

Eunuchs: assigned male at birth who have undergone castration.

Transgender men, transgender women and khawaja sira: and anyone whose gender identity or expression differs from what society expects of the sex assigned at birth.

The 2023 Federal Shariat Court decision questioned the third group. It is under appeal (see page 4).

Section 3: Identity documents

A transgender person aged 18 or over can register their gender identity with **NADRA** and other departments, on the **CNIC**, B-Form, driving licence and passport.

Good to know

NADRA resumed issuing **"X" CNICs** on 25 September 2023 and continues while the appeal is pending.

Please note

This guide is general information, not legal advice. Parts of the Act are before the Supreme Court. Always check the latest version at progendersupport.org.

YOUR RIGHTS UNDER THE ACT

Sections 4 to 16 protect transgender persons in everyday life. **Every fundamental right in the Constitution applies fully to you** (Section 16).

No discrimination
Education, jobs, health care, services, transport, property, public office. (S. 4)

No harassment
Because of sex, gender identity or expression, at home or outside. (S. 5)

Education
Fair admission and treatment; free and compulsory schooling. (S. 8)

Work
Any lawful job or business; no unfair hiring or dismissal. (S. 9)

Vote & office
Vote in all elections and stand for public office. (S. 10–11)

Health
Safe, welcoming hospitals and trained health staff. (S. 12)

Inheritance
No denial of your share. Rules on shares are under appeal. (S. 7)

Public life
Assembly, public and religious places, property. (S. 13–15)

Section 6: What the government must do

- Protection centres and safe houses with medical care, counselling and adult education
- Separate prisons, jails or cells
- Training for police, health workers and other officials
- Vocational training to earn a living
- Support for small businesses, including easy loans

SECTION 17 · A CRIME

Forced begging is punishable

Anyone who employs, forces or uses a transgender person for begging can be punished with:

Up to 6 months in prison, a fine of up to Rs. 50,000, or both

Report it to the police (15) or call Helpline 1099.

Services not provided?

Raise it with the bodies on page 4, or ask PGSF to help you follow up.

WHERE THINGS STAND TODAY

THE 2023 COURT DECISION & WHAT IT MEANS

1. **May 2018** — Parliament passes the Act
2. **19 May 2023** — Federal Shariat Court rules against 4 parts
3. **2023** — Appeals filed in the Supreme Court
4. **25 Sep 2023** — NADRA resumes "X" CNICs
5. **Today** — Final decision still pending

The court ruled against the definition of "gender identity" (S. 2(f)), the part covering transgender men, women and khawaja sira (S. 2(n)(iii)), self-perceived identity (S. 3) and the inheritance rules (S. 7). It said gender should follow biological sex, and that intersex persons and eunuchs remain protected. **The rest of the Act was not struck down.**

- ✓ **The Act is still law.** Under Article 203D, the decision does not take effect while the appeal is pending.
- ✓ **NADRA issues "X" CNICs.** Registration resumed on 25 September 2023.
- ✓ **Practice can vary.** Some centres ask for extra documents. Complain, or ask PGSF.
- ✓ **Things may change.** When the Supreme Court decides. We will update this guide.

Where to get help

Section 18: you can complain to any of these, or go to court.

National Commission for Human Rights
Online complaint · 051-9217340 · nchr.gov.pk

Federal Ombudsman (Wafaqi Mohtasib)
Complaints against federal offices, incl. NADRA · mohtasib.gov.pk

National Commission on the Status of Women
ncsw.gov.pk

Ministry of Human Rights Helpline 1099
Toll-free, 24 hours, free legal advice

Police emergency: 15
If you are in danger right now

Need help? Contact PGSF

Pro-Gender Support Foundation Pakistan is a national, transgender-led organisation working across Pakistan. Your information is kept confidential.

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