

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

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;

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 complaint 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 their gender identity, and/or 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;
 - (j) **"Notification"** means a notification published in the Gazette;
 - (k) **"PMDC"** means Pakistan Medical and Dental Council made under the PMDC Ordinance, 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 (Khunsa) 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 and/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 or Pakistan Penal Code, 1860 (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 or any other relevant laws.

(4) A Transgender Person already issued CNIC 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.

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 of, 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 of, or discontinuation of, or unfair treatment in healthcare services;

- (e) the denial of, 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 of, or discontinuation of, or unfair treatment with regard to right to movement, safe travel, and use of public facilities of transportation;
- (g) the denial of, or discontinuation of, or unfair treatment with regard to the right to reside, sale/purchase, rent or otherwise occupy, inherit any movable and immovable property;
- (h) the denial of, 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/or gender expression is prohibited.

CHAPTER IV OBLIGATIONS BY THE GOVERNMENT

6. Obligations of the Government. - The Government shall take 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.

- (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;