



Legal Gender Recognition in Pakistan: the hurdles and limitations



Legal Gender Recognition in Pakistan: the hurdles and limitations

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The transgender community in Pakistan faces multiple levels of legal, institutional and societal discrimination. The situation is further compounded by a lack of legal gender recognition (LGR). Due to LGR processes being inaccessible and unfriendly, transgender people are unable to get themselves registered on their identity documents according to their self-perceived gender identity. As a result, many transgender people face discrimination in access to public services and are unable to access their fundamental rights guaranteed in the law.

This study documents the experiences of transgender people who have undergone or are currently undergoing the process to get themselves registered with state departments in Pakistan. The objective of this report is to fill a gap in the existing literature on the experience of accessing LGR by transgender men and women in Pakistan who are not identified as *Khawaja Sira*. This report further presents recommendations to the state of Pakistan for improving the LGR process in order to make it accessible for all citizens.

Pakistani Law on Legal Gender Recognition

In 2009, a human rights petition brought before the Supreme Court of Pakistan that argued that the ‘eunuchs’ in Pakistan are being deprived of their fundamental rights guaranteed in the Constitution of Pakistan. The honourable court recognized the community as a distinct ‘third gender’ identity and issued a series of orders from 2009 to 2012 to a range of federal and provincial departments to undertake measures for providing the community with their due rights, in addition to integrating the community into state social welfare programs. During these hearings, the National Database and Registration Authority (NADRA) was ordered to register people from this community and issue National Identity Cards (NICs) with correct gender status to the applicants so that their right to inheritance could be fulfilled. These rulings and the subsequent policies developed by NADRA initiated the process of LGR in Pakistan.

Over the next decade, a number of legal and policy measures undertaken by the state departments have shaped how LGR is accessed in Pakistan. In 2018, the Parliament of Pakistan passed the *Transgender Persons (Protection of Rights) Act, 2018* with a majority vote. The legislation, considered one of the most progressive around the world, allows of legal recognition of gender as a matter of right without a medical or diagnostic requirement. The concept of ‘gender sovereignty’ is central to the law as it allows for recognition of self-perceived gender identity on identity cards, including NIC, Passport and driving license. The law codifies the earlier court judgements and provides a formal governing framework for recognition of transgender persons, in addition to defining transgender person.

While a complete legal review of the laws and policies on LGR in Pakistan¹ is outside the scope of this report, a brief overview is presented here.

Khaki v. Rawalpindi (2009):

In this judgment, the Supreme Court ordered registration of ‘eunuchs’ so that they can receive their inheritance and affirmed their right to employment, education and voting. The Court also ordered the registration of ‘eunuchs’ in the electoral rolls in addition to stressing the need to integrate them in the state welfare systems and allocating employment quotas for eunuchs as well. NADRA was subsequently issued orders to issue ID cards to ‘eunuchs’ with correct gender status. As a result of the court hearings, NADRA developed a ‘third gender’ category in its database called *Khawaja Sira* for registration of ‘eunuchs’ with three additional sub-categories: male, female and *khunsa-e-mushkil*.² By 2016, this category was represented on Computerized National Identity Cards (CNICs) and passports through the gender marker of ‘X’.

Sami Saleem v. Federation of Pakistan (2010):

Samia Saleem (30), assigned male at birth, filed a petition for legal gender change in the Rawalpindi bench of the Lahore High Court. Saleem argued she had consulted a psychiatrist and had undergone counselling for two years, and that doctors had confirmed that she was suffering from ‘gender identity disorder’ and needed appropriate medical intervention. However, the doctors refused to perform any surgery without court orders. Ruling on Saleem's plea, a single-judge bench allowed her to undergo a sex reassignment surgery and for NADRA and other state departments were ordered to recognize her identity on all documents as such.³

Mian Asia v. Federation of Pakistan (2017)

This case occupies a landmark status as NADRA policy regarding issuing of NICs to ‘eunuchs’ or ‘third gender’ population in Pakistan was developed as a result of this writ petition. The petitioner in this case, Mian Asia, a transgender person, argued that since *Khawaja Siras* are abandoned by their families, the recent restrictions imposed by NADRA to bring a family member for issuing and renewal of an NIC are discriminatory. The Lahore High Court ordered DG NADRA to devise a policy to accommodate such people. Subsequently, NADRA presented its policy for registration of eunuchs in the court which creates a special mechanism for a person identifying as *Khawaja Sira* to be registered through their *guru*.⁴

The NADRA policy, as reported in the court judgment in a reply by Director Operations NADRA, is reproduced below:

Issuance of CNIC To Eunuchs

1. In compliance of Lahore High Court Order in Writ Petition No.31581/2016, following procedure for issuance of CNICs to Eunuchs has been approved by Competent Authority:-
 - a. **Eunuchs with known Parents:** Cases may be dealt as per Registration Policy as it covers processing of CNICs of Eunuchs with known Biological Parentage.
 - b. **Eunuchs with Unknown Parentage:**
 - i. As a first step, already registered Eunuchs whosever are willing shall get themselves registered as “Guru” in NADRA database.
 - ii. Guru registration will be carried out at HQ NADRA through a module already being used for registration of Orphanages.
 - iii. Procedure for Guru Registration:
 - (a) Copy of CNIC alongwith an affidavit of Rs.20/- attested by Magistrate Class I shall be submitted by the individual (Format attached).
 - (b) After scrutiny, RHO will forward said documents to HQ NADRA by registration of GURU.
 - iv. Just like orphans with unknown parentage, CNIC of Eunuchs with unknown parentage will be processed by selecting random parents name from database. Registered Guru will be the head of applicant (Eunuch) and will give Biometric verification. Biometric witness of another person (any valid CNIC holder) also be obtained. Vigilance Deptt will conduct post-verification. Post Verification data analysis will be carried out after every six month. Final decision shall be made after one year experience and result revealed by post verification and data analysis.
2. For Media & Communication Department Only: Please launch awareness campaign for GURU registration through media.
3. Forwarded for information/compliance, please.

Transgender Persons (Protection of Rights) Act, 2018:

The legislation passed by a majority vote in the Parliament in May 2018 creates a framework for legal recognition of gender of citizens in Pakistan, in addition to providing for welfare measures for transgender people. The law is comprehensive in its scope: it prohibits discrimination on the basis of sex, gender identity and gender expression in access to public services and fundamental rights; it provides for mechanisms for transgender people to access the rights to inheritance, education, employment, voting and holding public office, it appoints National Commission of Human Rights (NCHR), National Commission on the Status of Women (NCSW) and Federal Ombudsman as redress mechanisms for filing of complaints by aggrieved transgender persons.

Under Section 2(n), the law defines ‘transgender person’ as follows:

- (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, Khawaja Sira 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.

The framework for recognition of gender identity under Section 3 of the law is presented below:

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 let 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.

(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 license and passport in accordance with the provisions of the NADRA Ordinance, 2000 (VIII of 2000).

International Standards on Legal Gender Recognition:

Pakistan is a signatory to the Universal Declaration on Human Rights (UDHR) that states, “Everyone has the right to recognition everywhere as a person before the law” which is taken as a basic principle for recognition of persons before the law.⁵ Similarly, Pakistan ratified the International Covenant on Civil and Political Rights (ICCPR) in 2010 which emphasizes equal recognition before the law.⁶ These principles of equal recognition and non-discrimination are also upheld in international human rights treaties such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁷ and Convention on Rights of Persons with Disabilities (CRPD).⁸ In addition, the Convention on the Rights of the Child (CRC) requires states to “respect the right of the child to preserve his or her identity”.⁹

The international standards on human rights stress universality, self-determination and equal treatment before the law. Under international human rights law, all human beings, irrespective of their gender identity or expression, are entitled to equality before the law and equal protection of the law without discrimination. States, therefore, have well-established obligations to respect, protect and fulfil the human rights of all people, including transgender people. These obligations include refraining from interference in the enjoyment of rights, to preventing abuses by third parties and proactively tackling barriers to the enjoyment of human rights, including discriminatory attitudes and practices.¹⁰

The Yogyakarta Principles adopted in Yogyakarta, Indonesia, in 2006 (the Yogyakarta Principles), as well as additional principles added in 2017 (Yogyakarta Principles plus 10) present the most comprehensive set of international standards regarding formulation of laws and policies on gender identity and expression. These principles set out State obligations under international human rights law applicable in relation to SOGIESC. Principles 3 affirms that “[p]ersons of diverse [...] gender identities shall enjoy legal capacity in all aspects of life. Each person’s self-defined [...] gender identity is integral to their personality and is one of the most basic aspects of self-determination, dignity and freedom.” Similarly, the additional principles assert that “[e]veryone has the right to legal recognition without reference to, or requiring assignment or disclosure of, sex, gender, sexual orientation, gender identity, gender expression or sex characteristics. Everyone has the right to obtain identity documents, including birth certificates, regardless of sexual orientation, gender identity, gender expression or sex characteristics. Everyone has the right to change gendered information in such documents while gendered information is included in them.”¹¹

The responsibilities for the State parties outlined in Yogyakarta Principles include:

- Taking all necessary legislative, administrative and other measures to fully respect and legally recognise each person’s self-defined gender identity;
- Taking all necessary legislative, administrative and other measures to ensure that procedures exist whereby all state-issued identity papers which indicate a person’s gender/sex – including birth certificates, passports, electoral records and other documents – reflect the person’s profound self-defined gender identity;
- Ensuring that such procedures are efficient, fair and non-discriminatory, and respect the dignity and privacy of the person concerned;
- Ensuring that changes to identity documents will be recognised in all contexts where the identification or disaggregation of persons by gender is required by law or policy.

Legal Gender Recognition around the World

The introduction of an inclusive system of Legal Gender Recognition (LGR) can help serve as one strategy to address these various barriers faced by trans-people. The advantage of LGR lies in its ability to not only validate and assert a person's right to self-determination, but also in allowing marginalized gender minorities attain a standard of social and mental well-being that can positively influence different spheres of their lives. LGR has varied in its implementation around the globe. However, a common theme in LGR initiatives involves the pathologization of gender identity as a primary determinant to right of identification. Spanish law regulating LGR for example imposes medical criteria that pathologize trans people and reinforce sexist, binary-reinforcing assumptions around gender identity.¹² Some countries, however, are moving away from this approach: Denmark passed a Gender Recognition Act that only requires individuals to affirm their desire to change their gender, and reaffirm this desire six months later.¹³

In the context of Pakistan, where this briefing paper is situated in/focused on, it is helpful to compare the LGR landscapes in South Asia. In Bangladesh, transgender people are still not formally recognized by the Constitution, although several welfare and rehabilitation schemes are being operated by the government to aid individuals falling within the 'third gender' category of *hijra*.¹⁴ In India, however, a comparatively organized system of LGR is being implemented. Individuals identifying as transgender have to undergo formal sex reassignment surgery (SRS) and obtain medical certification in order to retrieve identity documents congruent with their gender identity.¹⁵ The Transgender Persons (Protection of Rights) Act, 2019 is not in line with the Supreme Court judgment in *National Legal Services Authority v. Union of India (NALSA v. UOI)* in 2014, and does not recognize the right of transgender people to declare their self-perceived gender identity without undergoing sex reassignment surgery. The Act has been heavily criticized by activists.¹⁶

Specific states like Tamil-Nadu have instated Transgender Welfare Boards (TWB) that consult on LGR processes and coordinate welfare schemes in accordance with standards of LGR provision. Within the transgender community, however, contention exists on the merits and demerits of state recognition of transgender people within or outside the binary of male or female. Being recognized as a separate gender category enables the possibility of community-specific welfare schemes and reservations in electoral seats and political initiatives, whereas recognition within the binary as male or female offers the merit of greater societal acceptance within existing gender schemas.¹⁷ Furthermore, the experiences and connotations of being a transgender person identifying within and outside the binary also determine one's ability to access LGR and governmental structures that accommodate transgender people to different degrees.

The Objectives

Previous studies indicate that transgender people face hurdles in accessing LGR in Pakistan.¹⁸ According to a 2018 national study, only 10% transgender people were able to obtain an NIC according to the gender they identify as.¹⁹ However, these studies treat transgender people as a monolithic category and often do not shed a deeper light on the nuances of experiences of transgender men and women who identify themselves with the binary. There have been no large-scale studies done in Pakistan to map out the experiences of transgender people who are not part of the *khawaja sira* indigenous culture.

While a distinct policy by NADRA exists to register people outside the gender binary on the basis of their self-perceived gender identity without a medical or diagnostic requirement, there are no clear departmental policies for the legal recognition of transgender people who identify within the binary. Despite Section 3 of the Transgender Persons (Protection of Rights) Act, 2018 specifying the creation of a mechanism for obtaining and renewal of CNICs, passports and other identity documents, on the basis of self-perceived gender identity, it is our assertion that transgender men and women (who do not identify themselves as non-binary or *Khawaja Sira*) face hurdles and discrimination in accessing legal gender recognition in Pakistan.

In this report, we describe and analyze the experiences of such transgender people, who identify with the binary, when they try to navigate the formal processes of LGR in Pakistan. Using primary data collected from transgender persons in Lahore and Karachi, we hope to demonstrate that hurdles to successful LGR are still present, with community narratives and data countering the claim that seamless LGR is being provided through government structures like NADRA which regulate the recognition of gender identity in Pakistan.

The Methodology

Materials and Methods:

Study Design:

The report has been derived from an ongoing broader study on the experiences of transgender men and women, who are not identified with the *Khawaja Sira* sub-culture. The data for this study is being collected from participants hailing from five cities of Punjab: Lahore, Faisalabad, Sargodha, Sahiwal and Rawalpindi.

Sample Selection:

The sampling technique being used is non-probability convenience method and snow ball sampling given difficulties in accessing the study population. The sample size for surveys was 30 and the sample size for Focus Group Discussion was 15.

Data Collection Instruments:

1. *Survey*: A survey questionnaire was pre-designed to collect biographical information and overall situation to fundamental rights. The survey was administered on paper as well as online.
2. *Focus Group Discussion*: A focus group discussion was designed to specifically record experiences of transgender men and women in Punjab.
3. *In Depth Interviews*: A semi-structured interview method was used to document specific experiences of transgender men and women.

Ethics

Informed consent was obtained in writing from all participants of the study. A consent form was designed to let the participants know of their rights during data collection, including their right to remain anonymous, and data privacy and safety measures.

Overview of the Findings

Despite clear provisions in the Transgender Persons (Protection of Rights) Act, 2018, allowing for recognition of 'self-perceived' gender identity for citizens, the National Database and Registration Authority (NADRA), regularly ask for 'medical certificates' for gender verification from persons changing their gender marker from 'Male' to 'Female' or 'Female' to 'Male'. The NADRA policy also prohibits a transgender person from changing their gender marker to 'M' or 'F'.²⁰ These centres remain inaccessible to many transgender people, especially in smaller towns.

Our findings also indicate that the state policy and practices are heavily biased toward individuals who identify outside the gender binary and do not provide the same protections and services to individuals who seek to obtain identity documents with a 'male' or 'female' marker. The state departments, including NADRA, regularly encourage transgender men and women to opt for an 'X' identity marker on their National Identity Documents (NID).

Through a preliminary survey administered in-person and online with transgender respondents, we hoped to understand how transgender people who are not identified as *Khawaja Sira* perceive the current landscape of LGR available to them. We found that the majority of respondents were not satisfied with the current quality of services available to them.

NID Congruence with Self-Perceived Gender Identity

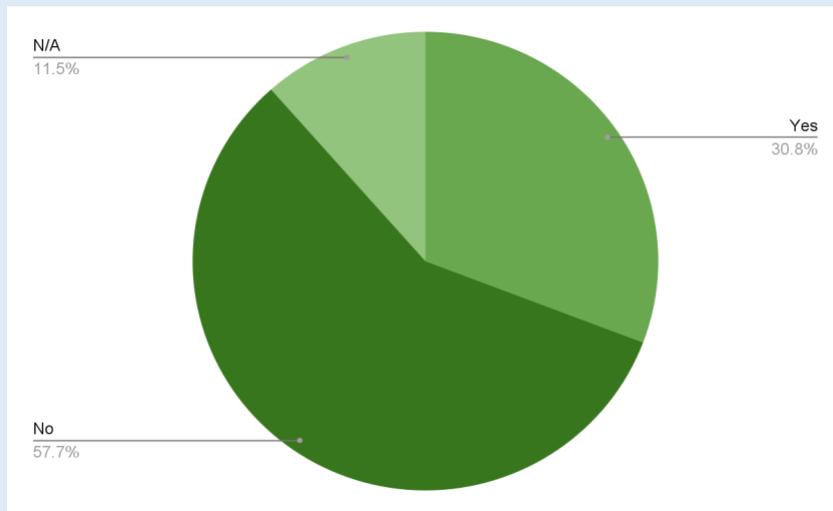


Fig. 1 Responses from survey population to the question: "The details on my national identity documents (such as CNIC, passport, driving license) are fully congruent with how I identify myself."

Discrimination during NID Retrieval

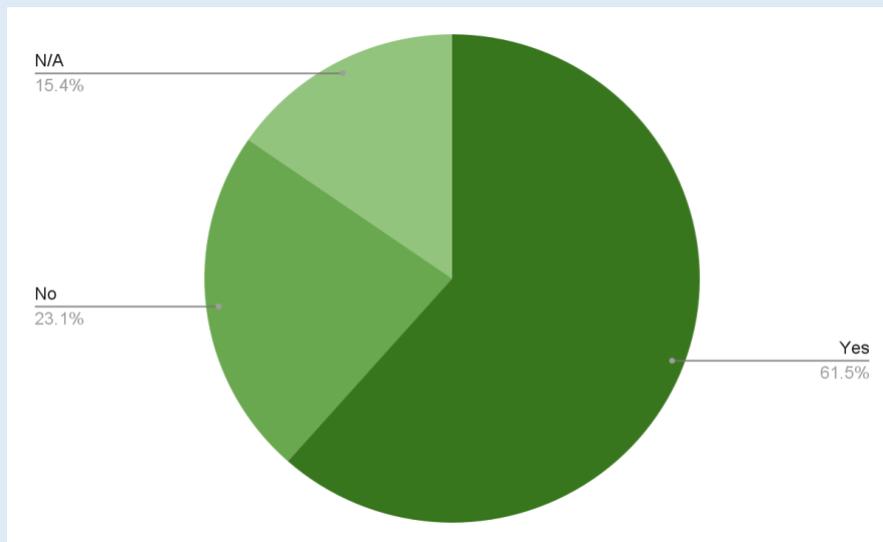


Fig 2. Responses from survey population to the question: "I believe I have been discriminated against or treated unfairly due to my SOGIESC while obtaining/updating my national identity documents."

As demonstrated by Fig. 1, around 58% of our survey population believed that gender markers on their national identity documents were incongruent with their self-perceived gender identity. Out of the 31% that believed that congruence existed, around 62.5% identified as transgender men or just transgender, while the other 37.5% identified as non-binary (with some identifying as *khwaja sira* or *hijra* within

these numbers). This data goes to show that the majority of our respondents felt that their NID did not appropriately describe their gender identity as they would self-identify.

Fig. 2 shows that the majority of our respondents also felt discriminated against during the process of retrieving their NID, or while asking for a change to their NID, with numbers closely matching those from Fig. 1. Out of those who answered 'Yes' to the question of NID incongruence, 67% answered 'Yes' when asked to report discrimination experienced. Further, out of those who answered 'No' to the question of NID incongruence, only 12.5% reported not experiencing discrimination, indicating that discrimination during NID retrieval is not the only factor preventing transgender people from obtaining a congruent gender-identity label on their NID documents.

To get a deeper understanding of how our respondents conceived of LGR accessibility, we conducted a focus group in Lahore that helped us understand their opinions on the matter. The participants belonged to Lahore, Rawalpindi, Sargodha and Faisalabad cities. All participants had experience of going to NADRA and other state departments for obtaining their identity documents. Nearly all participants, with the exception of two, had also approached NADRA or other state departments with a formal request for name and gender change on their identity documents. The focus group participants were asked questions or read out statements, to which they responded on a five-point scale from 1 (Strongly Disagree) to 5 Strongly Agree on a poll. Following are some of snapshots from the results of the poll conducted during the focus group discussion:

Perception of LGR Accessibility and Transparency

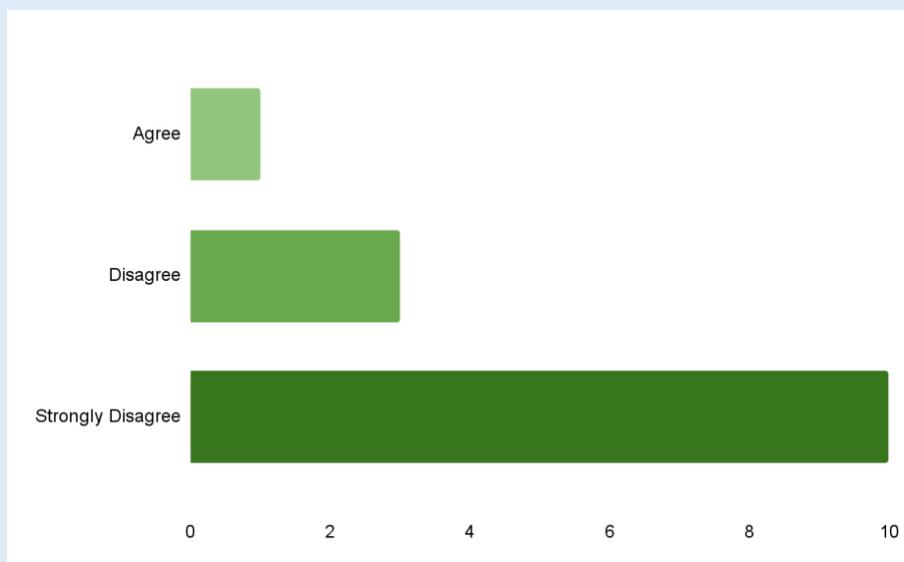


Fig 3. Responses from Focus Group to the Question: "Legal Gender Recognition processes must be quick, transparent and accessible for transgender persons." In my experience, this statement accurately reflects the current situation in Pakistan.

Perception of Institutional Reception to LGR Imperatives

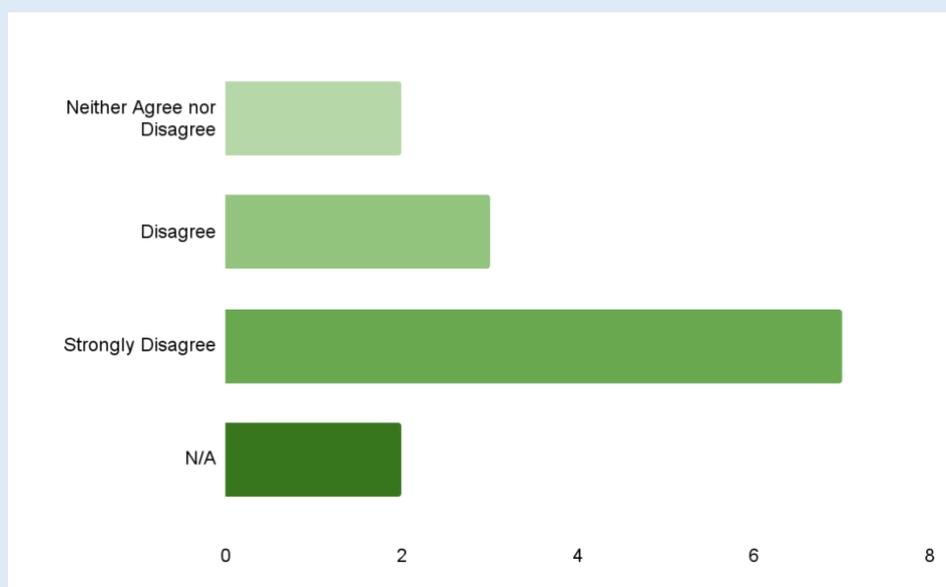


Fig 4. Responses from Focus Group to the Question: S. 7 of TPA Rules, 2021 states that "educational departments shall... accommodate an applicant to change the name and gender on all documents... as per the applicant's self-perceived gender identity." In my experience, this is indeed the case in Pakistan.

Our focus group discussion further validated our claim that LGR process is being inefficiently implemented. Fig. 3 shows that the majority of our participants strongly disagreed with the claim that LGR processes in Pakistan were accessible and transparent. Fig. 4 demonstrates that LGR outside of NADRA and passport offices, in this case educational, are also perceived as un-accommodating and non-receptive to allowing students to identify with their self-perceived gender identity. Overall, this data paints a picture of the current LGR landscape as one that does not fully meet the needs of transgender people seeking formal identification with their self-perceived gender identity.

Mapping Primary Obstacles in Legal Gender Recognition

In our focus groups, participants from the trans community who identified within the binary reported facing harassment and discrimination when trying to obtain legal documentation congruent with their self-perceived gender identity.

Social Stigma

The environment of the NADRA office was described as hostile, uncomfortable and unsafe, with one participant reporting that the entire staff was alerted of her case after approaching the relevant representative and providing her details. Privacy breaches are commonplace, with confidentiality of the applicant often being compromised by the staff making it a matter of office-gossip and debate. Transgender people seeking

discreteness or security would be discouraged from seeking LGR under these circumstances, with one of our respondents describing that their self-respect was more important to them than risking public shaming or ridicule.

Further, the requirement of a having a blood relative present for biometric verification during the in-person procedure serves as another barrier to LGR accessibility at NADRA centres. This is due to the existence of strained or non-existent relations with close family as a consequence of presenting a stigmatized gender-identity being a common occurrence, which prevents their presence during the in-person NADRA visit and causes further delays to NID retrieval. Stigma within the public and personal spheres can hence both be counted as significant obstructions to LGR obtainment.

Religious Bias

Participants reported being policed on the religious ethics and morality of their request to change their legally-listed gender identity on identity documents. The respondents reported that the staff called their decision as “haraam” or sinful. This religious policing discouraged participants from advocating for their correct NID-categorization, and introduced further stressors for the applicants who were already facing discrimination and harassment in various other forms in accessing basic public services, including education and healthcare.

Requirement of Medical Certification

The transgender persons who identified with the binary and sought NID with ‘male’ or ‘female’ marker reported being asked to submit medical documentation or proof of sex characteristics (in the form of a medico-legal report from a government hospital) for the requested change in details on identity documents. All participants in this study who identified with the binary reported being asked for such medical certificates. In most cases, this documentation was only accepted if issued by government hospitals.

Experts point out that full depathologization of trans and gender diverse people requires the complete removal of psycho-medical classifications; legal and bioethical gatekeepers; corporate-driven medical care & treatments; normative gender stereotypes; and all forms of socioeconomic injustice.²¹ We have found that in Pakistan lack of knowledge of healthcare providers, processes and centres that can provide such medical documentation presents itself as another barrier to LGR. Some of our respondents described not knowing who to reach out to or contact for documentation, or what type of procedures or diagnosis’ they need proof of to show NADRA representatives. Furthermore, it was also reported that NADRA staff did not facilitate or guide them about how they can obtain such documentation or the criteria and content of such documentation.

Transgender people having undergone the process have reported that only a medical superintendent at designated government hospitals are authorized to issue such a

certificate after a physical examination of the body of a person to determine their gender status. There is no written policy specifying the criteria or protocols for conducting such medical examinations. The application is, therefore, also entirely arbitrary. In some cases, participants also reported being sexually harassed by NADRA representatives if they are unable to provide medical certification who use the excuse of gender-identity determination to justify their behavior.

Inaccessibility

One transgender man we interviewed from a rural area reported that finding institutions that provided required documentation made accessing LGR even more difficult. Traveling to large urban centres like Lahore or Islamabad has become a prerequisite for obtaining the appropriate documentation, and transport to these locations is not always financially possible. Other recent studies have also reported inaccessibility of NADRA centres for women and transgender people.²²

It is recommended that LGR processes must be “quick, transparent and accessible”, and effectively uphold the rights of transgender people, including their right to self-determination.²³ However, in Pakistan, we have found that the access to LGR is directly and indirectly inhibited for transgender people due to a number of structural barriers they face in obtaining or changing their identity documents via state institutions. Furthermore, transgender people report experiencing discrimination at various stages of this process, further inhibiting their access to LGR.

We present two case studies below to capture a fuller picture of the experience transgender men and women often have to undergo during the process of NID retrieval. The names have been altered to preserve the anonymity of the respondents.

Case 1 – Julie (22), Lahore.

“I shouldn’t have to show anyone my body to prove who or what I am.”

Julie is a 22 years old student at a public university who also supports herself through her work as a model for clothing brands. She identifies as a transgender woman and she has been unable to obtain an NIC from NADRA. Julie relates that she has experienced difficulties at different NADRA centres in Lahore. “I am blessed to have the voice and looks of a woman, that would not be perceived as trans, but I have still experienced a lot of discrimination and harassment from NADRA. When I try to obtain my NIC, I am asked for medical documentation and told that I will need to be ‘touched’ by the staff to confirm my gender identity.”

Julie describes being very shocked and disturbed by this demand for a physical examination of her body by a medical professional in order for her to obtain her NIC.

“This is very unusual to me, since I don’t believe I should have to show my body or prove anything to anyone when I know what my gender identity is.” Julie further explained that obtaining medical documentation is difficult for her since she is not familiar with hospitals that can provide the appropriate certification for her case and she is not comfortable undergoing such a physical examination as she finds this process against her very dignity as a person. “I am personally not willing to get medical certification, since I feel ostracized mentally and physically within clinical spaces who might view me as an ‘other’ as opposed to the woman I see myself as. I shouldn’t have to show anyone my body to prove who or what I am. This whole process has created a lot of dread and emptiness for me, and is impacting my mental health a lot.”

Julie explained that she is even considering undergoing a medical examination as she is desperate at this point. “This whole situation is also having a severe impact on my mental health,” she said, “I am an influencer and a big part of my job requirement is traveling. Not having an NIC available makes traveling and getting around very difficult, hindering me from having access to other work opportunities as well.” Julie also related that her access to her own home is made difficult as she lives in the Cantonment area and she is asked to present an NIC at the checkpoint every time she has to enter the area. “However, I cannot go like this forever. I need formal identification that can certify my identity so I can navigate the public sphere more easily,” Julie said.

It is to be noted that when Julie went to apply for an NIC for the first time, she was told that she needed to bring a medical certificate from a government hospital. Her family tree (usually determined through a Child Registration Certificate) showed her with her birth name and male sex in NADRA records. She was denied an NIC with a female gender marker (as she desired) due to incongruence between her appearance and the sex registered in the family tree. However, she reports that the NADRA representatives at the second centre she visited were puzzled by her situation and the incongruence between her appearance and previous records. The first centre only asked for medical certification, without any further question, showing that the experience of LGR varies based on site as well and the policies, if existent, are arbitrarily implemented.

Living with an NIC has impacted her access to basic services and rights available for citizens. “I have also had to freeze my last semester of university due to administrative issues surrounding my gender identity and how I identify versus how I am formally registered. They have told me to freeze my studies until my gender is ‘cleared’” As a result, Julie is unable to obtain her degree until NADRA rectifies her gender label on formal identity documents.

The following case study based on the experience of a transgender man illustrates the experience of transgender people at NADRA centres and their treatment by the staff:

Case 2 – Mannan (23), Lahore.

Mannan is a 23 years old transgender man from Lahore who works at a human rights organization based in Lahore. Sharing his viewpoint about accessibility at NADRA centres, Mannan said, “there is no proper help-desk available at NADRA to guide us through our specific requirements for LGR and NIC-changes. The staff is not sensitized to dealing with trans-individuals respectfully and appropriately, and the centre itself makes no provisions for seating transgender people separately or having a separate reception booth for us.”

When Mannan tried to obtain an NIC listing him as male, he was asked for medical documentation certifying a condition that validated the gender change request. Further, NADRA staff said that they would only accept documentation by a pre-approved government hospital, and refused to accept the documentation from a private-hospital that he provided. The participant’s privacy was also breached at the centre, where the people present at the centre, including the staff, were told of his case. “They all started looking at me differently and some cracked jokes.” On his way out that day, a security guard inappropriately touched him on his chest to check if he was male or female.

When Mannan tried explaining his request citing the Transgender (Protection of Rights) Act 2018, the NADRA staff dismissed his explanation on the grounds that NADRA had already created a policy for *khawaja sira*. It is to noted that the Transgender Persons Act is not limited to Khawaja Sira and provides the right to recognition of self-perceived gender identity to all citizens. The NADRA policy, however, remains inconsistent with the 2018 Act and disparate in its implementation across different NADRA centres.

Mannan also described the general tone of conversation and treatment, characterizing NADRA staff as “brash and abrasive”. He said, “They sometimes openly mock transgender people, making fun of their gestures and demeanour right in front of them.” He recalled that when he accompanied a friend to a NADRA centre, a staff member got into an argument over documentation with him and became unnecessarily aggressive to the point where he thought that it would get violent.

Mannan also described the peripheral impacts that a lack of LGR had on other spheres of his life. His family refused to accept his gender identity until he gets a formal legal recognition, saying that “until you show us proof that the government accepts you, we will not accept you.” Further, he was unable to pursue higher education due to the incongruence of his gender identity with his NIC gender marker. Due to this, he has had to rely on finding job opportunities through personal contacts or jobs situated within the non-profit sector that are accepting of his identity in order to make a living while he waits for his LGR-related issues to be resolved.

The Impact of lack of Legal Gender Recognition

Unsuccessful attempts to obtain LGR through NADRA were shown to have many secondary impacts on our respondents' lives. Transgender people reported facing discrimination in access to public services due to lack of NIC with a self-perceived gender identity. Some respondents to this study related the socioeconomic impact that lack of appropriate NID has had on their lives, including preventing their access to education and employment.

Participants reported facing difficulties changing their name and gender within educational institutions due to institutional-reliance on CNIC and NADRA for categorizing and validating a student's biodata. Institutions were reported to use formal identity-documentation as the basis for accepting or accommodating name or gender-change requests from students. Further, additional documentation was reported to have been required in the form of medical documentation or attestation certifying the validity of the gender-identity change. One respondent reported being asked to provide a bribe and a court order documentation on top of medical certification after putting in a name change request.

Notably, a minority of participants also reported positive experiences with institutional communication and facilitation of educational requirements despite different names on educational documents after they made their institutional point of contact aware of the legal provisions under the Transgender Persons (Protection of Rights) Act, 2018.

Case 3 – Khurram (22), Lahore.

Khurram is a 22 years old transgender man from Lahore who has completed his Intermediate education. He got the gender on his NIC changed from 'female' to 'male' two years ago. However, he continues to face impediments in changing his educational documents. "My education degrees are not being changed by the Lahore Board [of Intermediate and Secondary Education]. Every time I go to their office, they request different documents like court orders and medical certificates, despite my NIC stating my gender as 'male'. They do not compromise or provide any solutions or guidance."

Khurram says that he is passionate about continuing his education. However, lack of LGR on his education documents prevents him from getting admission in any institution. "If they do not solve my issue, I will be forced to change my city and retake all the examinations to obtain new certificates." Khurram also says that this issue is not unique to him alone, as many of his friends in similar situations often chose to defer their education indefinitely.

Following is an excerpt from the interview with Khurram:

Question: Where did you go to change your documentation? What was their response?

I went to the Lahore Board for Secondary Education. They asked for a CNIC copy, parents' ID copy, B-Form, original degree, a newspaper article stating that I have changed my name, and letters validating the existence of gender dysphoria. At first the representatives assured me that the name-change on my degrees will be done under the impression that it was just a name change request, not a gender-change request. When they saw the difference in my pictures on the documents and realized it was a case of changing the gender identity, they said that they will refer the case to their seniors to retrieve validation about whether the gender-change request is authentic and an 'act of God' as opposed to unnatural. Further, they asked for more medical documentation to validate that gender-change was facilitated through 'natural' means. This confused me and further stressed me out as I was not sure what doctor to reach out to for validation of this 'natural' transition that these individuals were requesting and denoting as a common procedure/case they had previously encountered. I thought of bribing peons at hospitals for pictures of previous cases to understand what kind of surgical evidence or procedures they require to treat gender-change cases as valid and acceptable.

Question: How is your education affected by this?

I cannot complete my next educational requirements as I do not have the right certification. In my previous school, I completed Intermediate but faced a lot of problems from students who harassed me for my different gender-identity. The stress of that environment made me miss out on many lectures and my studies. When I reapplied, I was told to go to an examination centre that was only for girls, and when I showed them my certificates, they said "this is your sister, why are you taking her exam in her place?", I was not allowed to take the examination until someone from my school came to certify that I was the same person. This outdated documentation created a lot of problems in taking my exams over the years. I realized I could only study in an all-boys school and had to work jobs to fund hormone therapy that could help me in my gender-transition further while I wait for my documentation to change and the logistical challenges to continuing education to subside.

Conclusion

In this study, we presented the experiences of transgender people who do not identify themselves as *Khawaja Sira* in relation to accessing legal gender recognition in Pakistan. Our findings indicate that transgender men and women face social stigma, religious bias and discrimination at state institutions, including at NADRA when obtaining or altering their national identity documents. Furthermore, NADRA centres that can accommodate such requests also remain inaccessible to people from rural or semi-urban areas. The study also conclusively establishes that the practice of demanding ‘medical certificates’ or verification and proof of sex-change for obtaining legal gender recognition according to one’s self-perceived gender identity is still prevalent, and disproportionately targets transgender men and women who seek a ‘male’ or ‘female’ marker on their identity documents. The policies on legal gender recognition by state departments such as NADRA are often vague, arbitrarily applied and limited in their scope or run in contravention to governing laws. These factors directly prevent transgender people from obtaining or altering their national identity documents according to their self-perceived gender identity.

Recommendations

The State of Pakistan should:

1. Ensure that, as per the spirit of the Transgender Persons (Protection of Rights) Act, 2018, the right to recognition of self-perceived gender identity is upheld for all citizens, including citizens under the age of 18 years, at all levels. Ensure that relevant international standards, such as the Yogyakarta Principles, and best practices from other states are upheld in drafting all policies regarding right to recognition of self-perceived gender identity.
2. Ensure that quick, transparent and accessible mechanisms exist for transgender people to obtain their CNIC, passport and other identity documents with ease and in a discrimination-free environment, according to their self-perceived gender identity, and without a medical, diagnostic or surgical requirement. This includes being able to choose, of their own free will and informed consent, the most suitable gender marker on their identity documents.
3. Ensure that quick, transparent and accessible mechanisms exist for citizens to change the name and gender on their CNIC, passport and other identity documents with ease and in a discrimination-free environment, as per their self-perceived gender identity, and without a diagnostic or surgical requirement.
4. Ensure that transgender people who have changed their CNIC as per self-perceived gender identity are able to have their family tree, marriage certificates, birth certificates and Child Registration Certificates, and other relevant documents, updated as per their according to their self-perceived gender identity, and without a medical, diagnostic or surgical requirement.

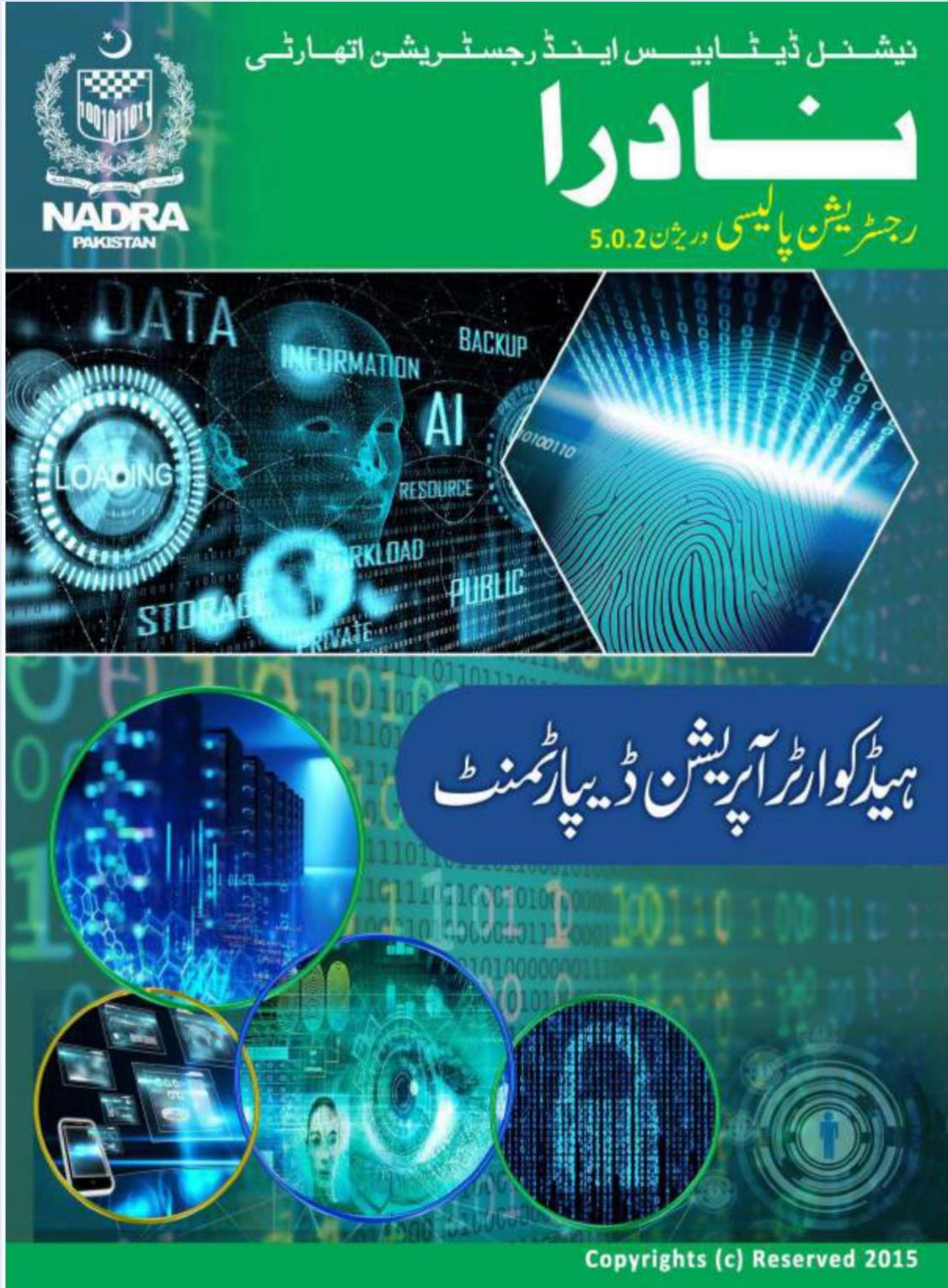
5. Ensure that the right to privacy is upheld for transgender people who have changed and/or updated their identity documents, including CNIC, passport and other identity documents, according to their self-perceived gender identity by being able to seal their previous records of name and gender change. Ensure that the data of transgender people is protected and confidentiality is observed at all levels.
6. Ensure that transgender people who have obtained, changed and/or updated their identity documents, including CNIC, passport and other documents, according to their self-perceived gender identity, are not subjected to any conditions, requirements, special criteria or discriminatory practices of any kind in relation to their transgender status. Ensure that transgender people are able to access all fundamental rights guaranteed in the Constitution of Pakistan without any discrimination, as well as have equal access to state welfare and income support schemes and any other facilities without any discrimination.
7. Ensure that all federal, provincial and local education departments, including but not limited to primary, secondary, higher education or adult literacy departments, uphold the right to recognition of self-perceived gender identity for all transgender persons by instituting policies on prevention of discrimination and harassment on the basis of sex, gender identity and/or gender expression for all subordinate educational institutions. Ensure that all education and examination boards and certificate awarding/attesting authorities create quick, transparent and accessible mechanisms for transgender people to obtain, change and/or update their education certificates, degrees and diplomas as per their self-perceived gender identity without any discrimination.
8. Ensure that all federal, provincial and local health departments, including but not limited to primary and tertiary healthcare units or specialized healthcare facilities, uphold the right to recognition of self-perceived gender identity for all transgender persons by instituting policies on the prevention of discrimination and harassment on the basis of sex, gender identity and/or gender expression for all subordinate healthcare institutions. Ensure that transgender people have access to gender-affirming healthcare in a safe and enabling environment in healthcare institutions and their confidentiality and privacy is observed by healthcare providers.
9. Amend the Transgender Persons (Protection of Rights) Act, 2018 to provide appropriate legal recognition and protection to persons born with intersex variations, in line with international standards, including the right to recognition of self-perceived gender identity and protection from all forms of discrimination and harmful practices in all fields of life and in access to public services.
10. Ensure that accessible and transparent mechanisms exist for transgender people to file complaints and obtain redress in the case of a violation of their right to recognition of self-perceived gender identity. Ensure that self-identified transgender people, regardless of the status of their identity documents, are able to access justice mechanisms without facing additional persecution, discrimination or harm, when reporting a violation of their rights.

About the Authors:

Mehlab Jameel is a community researcher and public policy practitioner who takes a keen interest in issues of gender and sexuality in postcolonial contexts. She has worked on several advocacy ventures on promulgating gender-sensitive policies in Pakistan, including co-drafting and lobbying the Transgender Persons (Protection of Rights) Act, 2018 and provincial policies on the rights of transgender people. She can be reached at mehlab.jameel@gmail.com.

Hussain Zaidi is a graduate from Swarthmore College who has published extensively in the field of sexual and gender minority healthcare across different global contexts. They have worked with the Gates Medical Research Institute, MATCH-Research Institute, and the University of Washington to design and implement various public health and research initiatives dedicated towards centring SGM-people in broader academic and structural discourse. They can be reached at zaidi678@gmail.com.

Annex: NADRA Registration policy as downloaded from its website www.nadra.gov.pk (accessed May 22, 2022)





رجسٹریشن پالیسی

نظر ثانی: این اے

تاریخ اجراء: 06-04-2021

سیریل آرٹھی: 2015

ورژن آرٹھی: 5.0.2

تبدیلی، گمشدہ کارڈ کا حصول، تجدید، دفتری غلطی، فیملی رجسٹریشن سرٹیفکیٹ، موت کی صورت میں شناختی کارڈ کی منسوخی

عام شناختی کارڈ سے اسماٹ شناختی کارڈ میں منتقلی	گمشدہ / تجدید شدہ کارڈ کا حصول
<p>☆ درخواست گزار کی موجودگی بعد اصل یا کاپی شناختی کارڈ</p> <p>☆ ہائیڈرک تصدیق یا بیرونی رشتہ دار یا قریبی رشتہ دار</p> <p>☆ تصدیق کنندہ سے تصدیق برطانیہ ریکولیشن ۹ ہارڈ آرڈر ٹینس (a-h)</p> <p>بہ کام سے بچوں کا شناختی کارڈ</p> <p>☆ بچے کی موجودگی</p> <p>☆ اصل بہ فارم</p> <p>☆ والدین یا خونی رشتہ دار یا قریبی رشتہ دار کی موجودگی</p> <p>☆ ہائیڈرک تصدیق والدین یا خونی رشتہ دار یا قریبی رشتہ دار (معاوضہ) یا سرپرست یا شناختی کارڈ فارم کی تصدیق کنندہ سے تصدیق برطانیہ ریکولیشن ۹ ہارڈ آرڈر ٹینس</p> <p>نوٹ:</p> <p>۱۔ کوآف میں کسی قسم کی تبدیلی متعلقہ شخص کے مطابق کی جائے گی</p> <p>۲۔ ہائیڈرکس (تصویر اور انگلیوں کے نشان) لیے اور لوڈ کئے جائیں گے</p> <p>۳۔ اسماٹ کارڈ سے ماہہ کارڈ میں منتقلی ممکن نہ ہے</p>	<p>☆ درخواست گزار کی موجودگی بعد اصل یا کاپی شناختی کارڈ / ہائیڈرک</p> <p>☆ کسی قسم کے مزید دستاویز کی ضرورت نہیں ہوگی</p> <p>☆ ہائیڈرک تصدیق خونی رشتہ دار یا قریبی رشتہ دار یا سرپرست یا شناختی کارڈ فارم کی تصدیق کنندہ سے تصدیق برطانیہ ریکولیشن ۹ ہارڈ آرڈر ٹینس (اگر ضرورت ہو)</p> <p>نوٹ:</p> <p>۱۔ درخواست گزار شناختی کارڈ کی تجدید کی صورت میں اپنا موجودہ پتہ اور والدہ کا نام ترمیم کی متعلقہ پالیسی کے مطابق تبدیل اور درست کر دیا جاتا ہے</p> <p>۲۔ تصویر اور ہائیڈرک لے جائیں گے۔ تصویر صرف تجدید کی صورت میں اپڈیٹ ہوگی جبکہ ہائیڈرک اپڈیٹیشن دونوں صورتوں میں ہوگی</p>

دفتری غلطی	شناختی دستاویزات کی وصولی	شناختی کارڈ کی ترمیم (بوجہ وفات)	فیملی رجسٹریشن سرٹیفکیٹ
<p>☆ درخواست گزار کی موجودگی بعد اصل شناختی کارڈ</p> <p>☆ ہائیڈرک تصدیق یا بیرونی رشتہ دار یا قریبی رشتہ دار</p> <p>☆ تصدیق کنندہ سے تصدیق برطانیہ ریکولیشن ۹ (a-h)</p> <p>نوٹ:</p> <p>۱۔ نئی بزنیکٹ آئی ڈی جاری کرتے ہوئے متعلقہ آفسر دفتری غلطی والی بزنیکٹ آئی ڈی کا ریفرنس دے گا۔</p> <p>۲۔ درخواست گزار شناختی کارڈ کی وصولی کے بعد کبھی بھی پیش ہونے کی ضرورت نہیں رہتی۔</p> <p>۳۔ دفتری غلطی کی تصحیح کسی بھی ہارڈ آرڈر سے کروائی جاسکتی ہے۔</p>	<p>☆ درخواست گزار کی موجودگی اور اصل نوٹن رسید (اگر موجود ہے)</p> <p>☆ خونی رشتہ دار یا قریبی رشتہ دار (شوہر، بیوی) بعد اصل نوٹن رسید</p> <p>☆ غیر خونی رشتہ دار کے لئے اصل نوٹن رسید</p> <p>☆ درخواست گزار کی جانب سے جاری کردہ اجازت نامہ</p> <p>☆ بذریعہ ڈاک شناختی کارڈ کی وصولی</p>	<p>☆ خونی رشتہ دار یا قریبی رشتہ دار (شوہر، بیوی) کی موجودگی</p> <p>☆ حوتی یا متوفی کا اصل شناختی کارڈ (اگر موجود ہو)</p> <p>☆ وفات کا سرٹیفکیٹ (یعنی کونسل، ہسپتال، قبرستان سے جاری کر دو)</p>	<p>☆ خونی رشتہ دار یا شوہر، بیوی کی موجودگی</p> <p>☆ اٹھارہ سال سے کم عمر افراد کی موجودگی</p> <p>نوٹ: درخواست گزار کوئی خونی رشتہ دار یا شوہر، بیوی ہو سکتا ہے۔</p>

ریمارکس

- درخواست گزار پر شناختی کارڈ (اصل) متعلقہ آفسر کے پاس جمع کروانے کا جسے متعلقہ آفسر کارڈ کی تصویر پر سوراخ یا سچ کر کے درخواست گزار کو واپس کرے گا۔ اگر درخواست گزار کے پاس اصل کارڈ موجود نہیں ہوگا تو سسٹم سے نکلنے والا طلب نامہ بعد وصولی جمع کروانے کا ہے۔
- متعلقہ آفسر پر درخواست گزار کا موجودہ معلومات اور کوآف کی روشنی میں مفصل اور جامع انٹرویو کرے گا اور اگر ضروری ہو تو درخواست فارم پر اپڈیٹ رے جانچ پڑتال کے نتائج بعد مدد و تھم بنکر دے گا۔ اور کسی قسم کے ابہام کی صورت میں درخواست فارم پر مطلوب دستاویزات اور دیگر جملہ اہمیت کھینچ کر طلب کی جائیں گی۔
- کسی قسم کی رعایت کے لئے کیس کی جانچ پڑتال ڈبل چورڈ یا ریجنل چورڈ سے کرنے کے بعد ریجنل ہیڈ کوارٹر سے منظوری لی جائے گی۔

نیشنل ڈیٹا بیس اینڈ رجسٹریشن اتھارٹی (ہیڈ کوارٹرز آف پریزنٹ ڈیپارٹمنٹ)





رجسٹریشن پالیسی

نظر ثانی: این اسے

تاریخ اجراء: 06-04-2021

سیریل آرٹھی: 2015

ورژن آرٹھی: 5.0.2

شناختی دستاویزات میں ترمیم (عام اسامیوں، نیکو پ، ب فارم، بچوں کا شناختی کارڈ)

والدین کی معلومات میں ترمیم		نام	
آکر والدین وفات پا چکے ہوں	آکر والدین حیات ہوں	نوٹ	نام میں مکمل ترمیم (نصرت جہاں سے عدیلہ وغیرہ)
<p>☆ درخواست گزار کی موجودگی</p> <p>☆ والد یا والدہ کی موجودگی اور بائیں نمبرک تصدیق ہونے</p> <p>☆ شناختی کارڈ جس میں فوت شدہ زوج کا اندازہ موجود ہو</p> <p>اور</p> <p>☆ درخواست گزار کے کسی ایک بہن یا بھائی کی بائیں نمبرک گواہی جن کے شناختی کارڈ میں والدین کے کوائف درست ہوں۔</p> <p>☆ دو بہن یا بھائی کی موجودگی جن کے شناختی کارڈ میں والدین کے کوائف درست ہوں ان میں سے ایک کی بائیں نمبرک تصدیق ہونے اور دوسرے سے بائیں نمبرک گواہی لی جائے گی</p>	<p>☆ درخواست گزار کی موجودگی</p> <p>☆ والدین کے شناختی کارڈ</p> <p>اور</p> <p>☆ والد یا والدہ کی موجودگی اور بائیں نمبرک تصدیق جن کے کوائف درست ہوں اور</p> <p>☆ درخواست گزار کے کسی ایک بہن یا بھائی کی بائیں نمبرک گواہی (Witness) جن کے شناختی کارڈ میں والدین کے کوائف درست ہوں</p>	<p>۱۔ مذکورہ بالا دستاویزات صرف مہم میں تبدیلی کے لئے درکار ہیں۔ مہم میں درستی کے لئے کسی قسم کے دستاویزی ضرورت نہیں ہے</p> <p>ب۔ ایک یا نام میں تبدیلی کے بعد دوسری مہم میں تبدیلی واپس پرانے نام پر تبدیلی کی اجازت نہیں ہوگی، ماسوائے قانون درخواست گزار کے (شوہر یا والد کے مہم میں واپس مہم ہے)</p> <p>ج۔ درخواست گزار کے مہم میں تبدیلی کے بعد ٹھکانہ افراد (بیوی، بیٹے) بھی شناختی دستاویزات میں تبدیلی کرا سکتے ہیں (آکر ضرورت ہو)</p>	<p>☆ درخواست گزار کی موجودگی</p> <p>☆ حلف نامہ (۲ درجہ) جمع کردہ) ڈیٹیکشن سے تصدیق شدہ</p> <p>☆ دارالانتاء سے جاری کردہ سرٹیفکیٹ (مذہب کی تبدیلی کی صورت میں)</p> <p>اور</p> <p>☆ بائیں نمبرک تصدیق بذریعہ فونی رشتہ دار یا قریبی رشتہ دار</p> <p>☆ آکر فونی رشتہ دار قریبی رشتہ دار حیات نہ ہو تو تصدیق کنندہ سے تصدیق مطابق ریکارڈیشن ۹ درجہ آرڈیننس</p>
نوٹ:			
<p>۱۔ آکر بہن یا بھائیوں میں سے کوئی ایک بھی موجود نہ ہو تو درخواست گزار کے شناختی کارڈ میں سے کوئی ایک درکار ہوگی۔ تصدیق شدہ نمبرک یا مساوی دستاویزات یا ڈاک شیٹ یا پاپورٹ یا شناختی کارڈ (RG-I, RG-II, RG-III) یا پاپورٹ نام</p> <p>ب۔ والدین کے کوائف میں صرف ایک یا درستی کی اجازت ہے۔</p> <p>ج۔ ایسے درخواست گزار جن کو شناختی کارڈ، والدین میں سے کسی ایک کی بائیں نمبرک تصدیق کے بعد جاری ہوا ہو تو ایسے درخواست گزار کی درخواست کو قبول نہیں کیا جائے گا۔ یہ کہ والدین کے مہم میں ترمیم کی اجازت نہیں ہے، ماسوائے درخواست گزار کے جن کی ایک سے زائد مہم ہوں۔</p> <p>د۔ ایسے والدین جنہوں نے فونی یا قریبی رشتہ دار کے بچوں کو اپنے ہاں رکھا ہے اور ان کے شناختی کارڈ میں والدین کے ہاں کی درستی ہو سکتی ہے یا کسی درخواست گزار کے لئے اسل والدین اور اپنانے والے والدین کی موجودگی لازمی ہوگی۔</p>			

عمر میں ترمیم

ریمارکس	پانچ سال سے زائد کی ترمیم درستی	پانچ سال سے کم کی ترمیم درستی
<p>۱۔ دوسری بار عمر میں تبدیلی کی اجازت نہیں ہوگی۔ آکر ۲ درجہ راجہ روڈ میں درخواست گزار کی عمر ۱۸ سال یا زائد درج ہو تو ایسی صورت میں ۱۸ سال سے کم عمر کی طرف رجوع کرنے والی درخواست پر عملدرآمد نہیں ہوگا۔</p> <p>ب۔ غیر معمولی وقت درخواست گزار کی عمر ۳۶-۳۹ سال تک درست کرا سکتا ہے، اگر اس کا بھائی یا بہن یا والدین میں سے کسی کے ساتھ عمر کا فرق نہ ہو۔</p> <p>ج۔ درخواست گزار کی عمر ۳۹ سال سے زیادہ ہو تو ایسے وقت میں درخواست گزار کی عمر ۳۹ سال یا زائد درج ہوگی۔</p> <p>د۔ دن اور مہینہ کے ساتھ ساتھ کے لئے کسی قسم کے دستاویزی کی ضرورت نہیں ہے۔</p> <p>س۔ ایسے کارڈ پر اردو کارڈ یا ب فارم اور اردو کارڈ یا ب فارم پر ایسے کارڈ کی بنیاد پر تاریخ پیدائش کی درستی کی صورت میں کسی دستاویزی کی ضرورت نہیں ہوگی۔</p> <p>م۔ غیر حقیقی عمر (Unrealistic) کے فرق (دس سال یا زائد) میں درستی کے لئے ریکارڈیشن ڈی بی کی اجازت اور تبدیلی کا جواز درج نام قبول نہیں کرے دستاویزات (آکر ہے) لینا لازمی ہے۔</p> <p>ط۔ درخواست گزار کو بائیں نمبرک سے اور اس کے پاس کوئی دستاویزی ہونے میں سے درخواست گزار کی عمر مختلف ہے تو بائیں نمبرک سے درست کرنا لازمی ہے۔</p> <p>ع۔ عمر کے پچھلی سرٹیفکیٹ پر دی عمر اگر درخواست گزار کی معلوم ہونے کے قریب ہو تو ایسی صورت میں عمر میں تبدیلی کرنے کی اجازت ہے۔ مثلاً اگر سرٹیفکیٹ میں عمر ۲۵ سال درج ہے اور معلوم ہے عمر ۲۸ سال ہے اور شناختی کارڈ پر ۳۰ سال درج ہے تو ایسی صورت میں ۲۸ سال درج کی جاسکتی ہے۔</p> <p>ف۔ تاریخ پیدائش میں تبدیلی کیلئے پہلے سے فراہم کردہ مختلف عمر والی دستاویزات جن کی بناء پر تاریخ پیدائش درج کی ہو، ان میں درستی یا تبدیل کرنا ہوگا۔</p>	<p>☆ کوئی ایک دستاویزی کی ثبوت جو عمر میں تبدیلی کیلئے پانچ سال سے کم کے فرق کیلئے درکار ہیں</p> <p>اور</p> <p>☆ ڈی بی آئی پر پیشتر ریکارڈیشن ڈی بی کی جانب سے عمر میں تبدیلی کی منظوری بذریعہ ایکٹس سسٹم کے تحت</p>	<p>☆ درخواست گزار کی موجودگی</p> <p>☆ مندرجہ ذیل میں سے (کوئی ایک) دستاویزی</p> <p>☆ نمبرک سہ ماہی دستاویزات یا</p> <p>☆ مارک ٹینٹ فون سوسائٹی کا (پاس رٹیل) (پاس کی معیارہ معیارہ سے تین سال تک)</p> <p>☆ پاپورٹ یا عمر کی تصدیق (سرکاری ہسپتال کے نام ایس کے دستاویزی سے جاری شدہ) سرٹیفکیٹ یا سرکاری وٹم سرکاری ادارے کے ملازمین کا پیکارڈ یا معیارہ ایسی</p> <p>☆ پیدائش کا سرٹیفکیٹ یا ظاہری حالت (صرف بچوں کے لئے)</p> <p>☆ حکومت کی جانب سے جاری کی گئی ایک کوئی دستاویزی جس پر تاریخ پیدائش درج ہو</p>

میشل ڈیٹا میں اینڈ رجسٹریشن اتھارٹی (ہیڈ کوارٹرز آف پریشر ڈیپارٹمنٹ)



¹ For further discussion see Pakistan section in *Legal Gender Recognition: A Multi-Country Legal and Policy Review*. Asia Asia Pacific Transgender Network & United Nations Development Program. Bangkok Regional Hub, 2017.

² *Aslam Khaki*. SSP Rawalpindi, human rights petition no. 63 of 2009.

³ Sami Saleem Bhatti v. Federation of Pakistan, W.P. No. 787-2010.

⁴ Mian Asia v. Federation of Pakistan, W.P. No. 31581/2016.

⁵ Universal Declaration of Human Rights, Article 6.

⁶ International Covenant on Civil and Political Rights, Article 16.

⁷ Convention on Elimination of all forms of Discrimination against Women, Article 15.

⁸ Convention on Rights of Persons with Disabilities, Article Article 12 (4).

⁹ Convention on the Rights of the Child, Article 8 (1).

¹⁰ Report of the United Nations High Commissioner for Human Rights, November 2011, accessed June 22, 2022 at:

https://www.ohchr.org/Documents/Issues/Discrimination/A.HRC.19.41_English.pdf.

¹¹ Yogyakarta Principles and Yogyakarta Principles Plus 10. Available online at:

<https://yogyakartaprinciples.org/principles-en/>

¹² Carrera, M. V., Lameiras, M., DePalma, R., & Casas, R. R. "Pathologizing gender identity: An analysis of Spanish law and the regulation of gender recognition". *Journal of Gender Studies*, 22, no. 2(2013): 206-220.

¹³ McQueen, P. "Feminist and trans perspectives on identity and the UK Gender Recognition Act". *The British Journal of Politics and International Relations*, 18, no. 3(2016), 671-687.

¹⁴ Islam, S. "A theoretical analysis of the legal status of transgender: Bangladesh perspective." *International Journal of Research and Innovation in Social Science*, 3, no. 3 (2019): 117-119.

¹⁵ Chakrapani, V., & Narrain, A. Legal recognition of gender identity of transgender people in India: Current situation and potential options. Policy Brief, 2012.

¹⁶ Lalwani, V. "This is a black day": Activists criticise Transgender Persons Bill passed in Lok Sabha." Scroll. December 19, 2018. <https://scroll.in/article/906205/this-is-a-black-day-activists-criticise-transgender-persons-bill-passed-in-lok-sabha> (accessed June 22, 2022)

¹⁷ Ibid. Redding, J. A. "The Pakistan Transgender Persons (Protection of Rights) Act of 2018 and its impact on the law of gender in Pakistan". *Austl. J. Asian L.*, 20 (2019), 103.

¹⁸ Aurat Foundation. *Silent No More: Transgender Community in Pakistan*. Islamabad: Aurat Foundation, 2016.

¹⁹ Naz Pakistan. *In the Eyes of the Law: Legal challenges to recognition and inclusive rights for transgender people in Pakistan*. Lahore: NMHA. 2018.

²⁰ See page 5 of NADRA policy in the Annex.

²¹ See, ICD-11 depathologizes Trans and Gender Diverse identities, TGEU, Transgender Europe.

²² Fatmah M. & Hajrah Yusaf. "The (In)Accessibility of NADRA and Union Council Processes for Women and Gender Minorities." *Gender Bi-Annual* 3(2022), Saida Waheed Gender Initiative, Lahore University of Management Sciences (LUMS), 2022.

²³ Parliamentary Assembly of the Council of Europe, *Discrimination against Transgender People in Europe*, Resolution 2048 (2015), para 6.2.1.

