

Transgender Bill and Human Rights

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In the petition filed by Jamaat-e-Islami against the Transgender Persons (Protection of Rights) Act, 2018, the Federal Sharia Court of Pakistan named former People's Party senator Farhatullah Babar, transgender rights activist Almas Bobby and Jamaat-e-Islami senator Mushtaq Ahmed. Accepting Khan's request to become a party, the hearing of the case has been adjourned indefinitely.

The Transgender Act passed four years ago became a topic of debate once again when religious parties Jamiat Ulema-e-Islam and Jamaat-e-Islami proposed amendments to it while opposing it on social media

On behalf of Jamaat-e-Islami, the petition against this law has been filed by Imran Shafiq Advocate. According to Imran Shafiq Advocate, he filed this petition under the Constitution of Pakistan, which states that no law can be introduced in Pakistan, which conflicts with Sharia.

The Transgender Persons Act has received scrutiny from Jamaat-e-Islami. Before we delve deeper into this, it is imperative to take a closer look at what the Act entails.

The Transgender Protection Act empowers transgender people to self-identify and change their gender.

All government institutions, including NADRA, are bound to ensure that whatever identity a transgender wants will be entered on their identity card, driving license, passport, etc.

The Act recognizes all their rights as Pakistani citizens. They have been given legal status to get jobs, education, and access to health facilities, while their legal right to inheritance has also been recognized.

Various penalties for denying facilities and discrimination against transgenders have also been proposed.

The Act defines transgenderism as being of three types: First is intersex transgenderism, which is defined as having the genetic characteristics of both men and women. Have or have congenital anomalies.

In second place are people who are born male but later undergo the process of reassignment. Third, are people who consider themselves to be different or inconsistent with their gender at birth.

Lawyer Imran Shafiq Advocate, who filed an application in the Federal Shariah Court on behalf of Jamaat-e-Islami, said that he brought an amendment bill in the year 2021, which was presented to the Senate Standing Committee on Human Rights.

It came before this committee in November 2021. Some amendments to this law were discussed for the first time on the agenda of the Senate Standing Committee nine months later, on September 5, 2022, and now it will have its second meeting in October, where the voting on my amendment bill will take place.

Jamaat-e-Islami's Mushtaq Ahmad Khan said that he wants to fix this bill. "There are parts to this bill. I have no objection to one part of it but want to fix two parts of it with the amendment bill. This law can be improved after several amendment phases. We also have serious

reservations regarding his name.”

On the other hand, former senator of the Peoples Party Farhatullah Babar says that this bill was approved by the Parliament in 2018. For this, a special cell was established in the Federal Ombudsman’s office to consult with every school of thought. He said that the bill was first passed by the Senate Standing Committee, after which it was jointly passed by the Parliament, and its main objective was to protect the rights of transgender people.

Farhatullah Babar rejected Mushtaq Ahmed Khan’s claim that the Council of Islamic Ideology had any objection to it.

He says that when this bill was being presented, the Council of Islamic Ideology did not raise any objection, which is on the record of the Senate.

However, now this bill has been challenged in the Federal Sharia Court. The Federal Shariah Court has the power to rule against any law against Islam.

He said that some people raising objections to this bill in various places, including on social media, is wrong. This bill is not anti-Islamic. Nothing in this bill is against Islam, but there is room for improvement in every law and amendment. Laws are made, and improvements are introduced over time.’ He said there can be a debate to improve this law but to say that Parliament introduced an anti-Islamic statute is very wrong.

Imran Shafiq said Jamaat-e-Islami had earlier brought amendments against this bill in the Parliament which were not approved by the majority parties. “Now that the leaders of PML-N, Tehreek-e-Insaf, and the Peoples Party have openly come forward in favour of this bill, they have approached the Federal Sharia Court against it and, at the public level, are also campaigning.”

General Secretary of Jamaat-e-Islami Pakistan Ameerul-Azeem says that it is completely wrong to say that Jamaat-e-Islami was ever silent on this bill. “We were never silent on this bill. We were opposed even then. Yes, it was certain that the wording in the Act confused the nation a bit.” He said, “We had said even then that this bill would be the root cause of problems, but when the government data came out that thousands of people had changed their sex and its problems came out, and the truth was revealed to the nation that the bill is creating myths.”

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