
Political Marginalization of Pakistani Transgender Community: A Case Study of District Bahawalpur

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Abstract

If all groups of any society are not treated equally and given with opportunities to work for their betterment then that society cannot relish the zenith of prosperity and progress. Same goes with political opportunities. Equal political participation is the beauty of any civilized and democratic society. From the time of Greek political philosophers, it has been seen that a polity is respected and even raised in status if the political participation and awareness of masses is high. Correspondingly, in the 21st century a country with stable politics, democracy and highest equal political opportunities is considered to be developed. Especially the political rights and role of minorities-like women, transgender and religious minorities has great significance in political development of a society. Sad to say, Pakistan lacks political participation of minorities. Political development of Pakistan is at its lowest. This study focuses on the political participation of transgender community in the district Bahawalpur Punjab, Pakistan. Semi-structured interviews had been conducted. The study finds out that political participation of transgender community can be surged if they are educated and reserved seats are being fixed for them. The study recommends that government should make sure to provide educational facilities to transgender community.

Keywords: Political Participation, Transgender, Transgender Discrimination, Quota, Reserved Seats

Introduction

It is estimated that there are 1.5 million transgender in Pakistan. Transgender refers to a person having no identification with, or no presentation as the gender one was assigned at birth. The

definition of transsexual refers to a person who had undergone a sex-change operation or a person identifying with the opposite sex. In south Asia, transgender are known as *Hijra* and *Khawaja Sira*. They believed to have mystical powers. Many people fear their curses but invite them to bless childbirth and marriage ceremonies. During colonial rule, the British enacted the Criminal Tribes Act in 1871, which branded *Hijras* (transgender) and other social minorities as threats to public order and morality.

In Pakistan, the rights of transgender are severely violated as they are not given due respect in society. Many transgender fall victim to sexual harassment. Neither do the higher authorities take action for them nor can they highlight their issues. Transgender are also deprived of the right to healthcare. They face discrimination, ostracization and harassment. They are banished by their own families. Transgender are not given proper job opportunities so they are forced to make their livelihood by dancing, prostitution, and begging.

There has been improvement and awareness regarding their rights. In 2009, a supreme court verdict recognized the rights of transgender and identified them as the third gender. In 2009, the National Assembly of Pakistan passed a landmark Transgender Persons (Protection of Rights) Act. Recently, a school was opened by an NGO for transgender children to give them their educational rights, but they are working on a very small scale. Despite this, various transgender have been killed in hate crimes over the years.

How are transgender discriminated in the electoral process?

In Pakistan, transgender were given the right to cast their vote in 2011. According to the Election Commission of Pakistan, trans people would not have reserved seats, unlike other minorities. They will have to contest for a general seat (Moshin, 2018). All Pakistan Transgender Election Network (APTEN), a rights group dedicated to bringing into spotlight emerging leaders from the transgender community, in collaboration with the Election Commission of Pakistan, organized a national consultation and presented the names of 13 candidates who contested the 2018 general elections (Moshin, 2018). In the 2018 elections, a 35 years old transgender woman named Nadeem Kashish ran against Imran and ShahidKhaqanAbbassi (Qureshi, 2018). She has been mocked by people. Her campaign was taken as a joke. She had not been welcomed by the public for being an unconventional politician.

Few transgender have political party association although its novel to have a transgender candidate but yield few votes. There are systematic barriers for transgender to take part in the electoral process. Many trans people did not vote because of the unavailability of Computerized National Identity Cards (CNIC). They cannot have CNIC because they need to provide information about their parents who cast them out. The one with CNIC faces issues while casting votes, for example, entering the wrong polling station being the third gender and registering in home town where they have been ostracized. Similarly, candidates go through hurdles for

instance supporters of opponents harass and threaten them. Despite all these hurdles, it's an achievement in a third world country like Pakistan, where once marginalized, cast out, and even murdered a group of society ran for parliament. For the first time in the 2018 elections, 25 trans persons were appointed polling observers in the capital of each province (Ahmed, 2018).

Literature Review

Transgender is a person who is identified with sexual characteristics opposite to with which he or she was born. The terms used for them are trans, transgender, transsexual, transvestite, cross dresser, male-to-female and female-to-male. The 'Third Gender' is regarded as the most suitable and inclusive term. In Pakistan, transgender are known as *khawajasiras*, *hijaras*, *murats*, and *khusras* who come to dance at different festivals. The definition of transgender given in the Pakistan Transgender person Act 2018 is same as definition given by the WHO. The real number of transgender people in Pakistan is unknown to authorities because there is no official record. Though statistics showed that almost 2% of the population of Pakistan is affected by transgenderism. It is believed that there are 1.5 million transgender in Pakistan. In 1871, Britain passed criminal tribes Act and included transgender community in the list of criminal tribes. Transgender community had not been protected in Indian sub-continent by British colonizers. This Act became one of the reasons of social isolation and exclusion and deterioration of transgender community and led them to prostitution and begging (Punjab Social Protection Authority, 2018).

In Pakistan transgender face horrendous behaviour of people. Due to ignorance and radical mindset of masses transgender are treated with lowest degree of respect in Pakistan. However, Islam gives equal and fair rights to transgender people. Transgender are identified by their own families first but they try to kill or ostracize them because they feel ashamed to be related with them. Trans people who express their gender identity from an early age are often rejected by their own clan. Those who express their gender identities later in life often face rejection by mainstream society and social service institutions, as they go about undoing gender socialization. Transgender people are not accepted in society as normal human beings that's why they do not live-in regular neighbourhood and make their own separate communities. They are compelled to earn their livelihood by dancing and begging because they are not offered respectful jobs. They are mocked and ignored in case of criminal victimization. They have been attacked, abused, raped, and killed. They are humiliated and excluded everywhere including hospitals, schools, government offices and markets. Transgender people face rejection, discrimination, and humiliation from everywhere. Transgender are not provided with their due rights in every walk of life (Punjab Social Protection Authority, 2018).

Unfortunately, saddening treatment has been seen towards transgender in established democracies like USA, UK and New Zealand as well. A comparative research has been conducted by Gabriele Magni and Andrew Reynolds to find out Voter Preferences and the

Political Underrepresentation of Minority Groups: Lesbian, Gay, Transgender and HIV+ Candidates in Advanced Democracies. This research showed social behavior of people towards LGBTQ (Lesbian, gay, bisexual, transgender and queer) candidates in these three countries. The results of this research showed that voters had been more prejudice against Transgender as compared to gays and lesbians in the USA and less adverse in New Zealand. People who have LGBT friends and family are welcoming and less adverse. Even non-religious people are cordial towards LGBT. It is a prima facie case that women and LGBTQ are marginalized and discriminated and underrepresented for public office. Voters are biased towards them. These minority groups are underrepresented in the electoral process because of hostility and prejudice against them.

The positive interaction with transgender decreases biasness against them. Even exposure of transgender in the form of images and information declines transphobia. The contact theory works similar in case of both media exposure and personal interaction. In the 2018 elections in the USA, LGBT candidates running for office faced threat and biasness. This biasness and hostility are based on unfamiliarity with LGBT and can be minimized by direct personal contact and visibility through both mainstream media and social media. Familiarity and interaction with transgender have been very low. Voters attribute a candidate's identity to his or her political values. For example, it is assumed that a female or LGBT candidate will not have ideological position and integrity as white and straight male candidates have. In 1999, Georgina Beyer -New Zealander- elected as the first transgender parliamentarian in the world. Progressive voters have been welcoming and unbiased towards transgender in three countries. Even in New Zealand, progressive voters have positive bias towards transgender candidates. In addition to this, nonreligious voters in USA and New Zealand showed negative biasness towards transgender candidates but this trend has not been seen in UK. Young and women voters also have been welcoming towards transgender in three countries. In New Zealand, progressives asserted that they would prefer gay than straight and transgender than cisgender. Responses evidently asserted that Americans are more bias towards transgender as compared to Britons and New Zealanders (Magni& Reynolds, 2020, p. 23).

In addition to this, research showed relation between demographic characteristics of voters' and their behavior towards LGBTQ. For example, young, educated, progressive white female will be more genial towards transgender people. Egalitarian people have positive outlook towards transgender. On the contrary, religious and conservative people are antipathy towards them. Overall women are more open for transgender. Respondents chose cisgender from opposite political party and opposed transgender from their own party. According to responses, people perceive transgender people as immoral and less trustworthy but they support their protection rights. In many established democracies, concurrent legal framework has flattened discrimination against LGBT and people also have become more open and cordial towards them. Therefore, the ratio of success for public office has increased. Nevertheless, homophobia and transphobia are prevalent and these marginalized groups still face horrific challenges. They have

not been fully accepted as normal beings. It is proved through research that social contact can be used as tool to develop acceptance of out-groups. The effects of contact theory can be manifold by descriptive representation (Magni& Reynolds, 2020, p. 23).

Sadly, over the years social behavior and discrimination has developed systematic barriers for transgender. Even law enforcement personnel mistreat them. Transgender community in Pakistan does not have any identity despite being recognized as third gender. They are shot by militants. The fabric of Pakistani society is fabricated in a way which compel transgender to do dancing and prostitution. Transgender are recognized as ignominy to family. They are bound to leave their families and build their own communities in slums. Where they are kept deprived of education. The corporate executive of the transgender people of Khyber Pakhtunkhwa Farzana Jan said that from 2014 to 2105, 40 to 45 transgender had been kidnapped, raped and killed. The root cause behind their inappropriate societal doings like begging and dancing is poverty (Saddique& Ahmad, 2017, p.6).

In general elections 2018 of Pakistan, lack of information among transgender citizens about their right to vote was a greater challenge to ensure their active participation in electoral process and to attain their motivation and interest in the process. High fee for filing nomination papers for contesting elections remained a big challenge for transgender citizens and many had to quit this process. The behaviour of polling booth staff towards them had not been friendly due to their gender outlook. None of the single political parties have mobilized transgender in their respective constituencies. There is a greater gap between ECP and transgender citizens on enrolling in electoral lists. Majority of transgender citizens do not have their CNIC at all. There are not enough resources to support and facilitate them. There are reports of security concerns, harassments and not granting them access to the polling stations. Transgender candidates did not have much support from their transgender community (Statement on Transgender Inclusion in General Election 2018 Pakistan, 2018, p. 3). Similarly, in India they suffer poor access to education, healthcare, legal aid, employment and lack of social receipt and are discriminated against everywhere. Different studies show situations that are guidelines for Human Ecologists for example it is mentioned that inequity in employment, housing and health care facilities is resulting in homelessness and negative consequences. It also quoted national estimates of on the street's youth of 3rd gender as about 40% of 1.6 m in the USA (Arafat et al., 2019, p. 5).

Electability of LGBT is less because of prejudice as well as lack of their political experience. In 2019, transgender are banned to serve in military in USA. The respondents of research conducted by Gabriele Magni and Andrew Reynolds agreed that the electability of LGBT is minimal and they face more challenges than straight candidates. Despite being the established democracies and progressives, voters still discriminate against LGBT. Even progressives penalize transgender. None feel himself guilty for marginalizing them because this discrimination has been in practice for decades and become systematic. LGBT can enhance their electability by contesting in progressive left-leaning constituencies. Research proved that visibility leads to contact, which in

turn lessens prejudice and transgender people have less visibility. Sad to say, in most of the cases the families of transgender disown them (Magni& Reynolds, 2020, p. 23).

Government of Pakistan took initiatives to facilitate registration of transgender community. Transgender people are registered as third gender on CNIC. Government is unable to provide any aid and support to them. In case of bullying, harassment, and criminal victimization they do not get any assistance from governmental or non-governmental organizations. There is a dire need of transgender protection, care, education, and identity legislature around the globe. Government of Pakistan should take initiative to register transgender right after their birth. It is dejected to see how Pakistani government fails to implement laws regarding this marginalized section of the community. In India today central and state Governments recognized the real problems of transgender community and are taking more initiatives to improve their social, educational, economic and political conditions (Islam, 2020, p. 7).

Transgender community should be treated equally. They should be provided with opportunities to earn livelihood with respect and honour. Social inclusion must be assured. The objective of welfare policy by Punjab government Pakistan is to provide transgender community with equity, resilience, opportunity, social inclusion and gender equality. In addition to this, there is a dire need of legislation for hate crimes against transgender community. They are harassed, raped and killed and this needs to be stopped. In 2012, Argentina became a first country to pass transgender identity bill (Saddique& Ahmad, 2017, p.6).

According to Article 25 of 1973 constitution of Pakistan, all citizens are equal. The articles 4 and 9 of 1973 constitution of Pakistan give equal rights to transgender like other citizens. Unfortunately, trans genders have not been protected in this article the way women and children are, being a weaker part of the population. The Supreme court ruled that transgender are entitled to equal rights being citizens of Pakistan and instructed NADRA to issue national identity cards so they can enjoy their fundamental rights. Supreme court declared that transgender fall in the category of third gender. This judgment could not prove to be fruitful for transgender community in Pakistan. The transgender person Act 2018 Pakistan defined transgender and allowed transgender people to register themselves based on their perceived identity. This Act entitled transgender same right in inheritance as cisgender. This Act also applies Islamic law of inheritance to transgender people irrespective of religion. Moreover, transgender person act stated that “transgender community should be given equal opportunities to get education”. There should be punishment on the violation of this. Woefully, in general elections of 2018, this act has been violated. The official election forms did not have a box for third gender. This act should be penalized so its violation can be prohibited (Islam, 2020).

In 2009, then chief justice of Pakistan declared their rights as a third gender to have a national identity card, free education, health facilities, and employment. Unfortunately, this had been done just in papers. Moreover, in 2013 at the discretion of the Supreme Court of Pakistan, federal and

provincial governments are entitled to provide transgender equal fundamental rights in education, health, and employment. Transgender are identity less and deprived till the date. Legal systems often entrench this marginalization, feed inequality, and perpetuate violence against trans people. Supreme Court of Pakistan passed a bill to provide basic rights to transgender but it has not been fully implemented so far (Islam, 2020).

Similar situations prevailed in neighbouring countries. To protect and consider 3rd gender as a human being, India having a rich ancient cultural tradition, compelled to pass the Rights of Transgender Persons Bill (No. XLIX of 2014). The Parliamentary Committee 's Report revealed that transgender community is a side-lined, ill-treated and face an overabundance of problems and the Bill again observed that the rejection of social fairness leads to the rejection of economic and political fairness. The Bill suggested that the State should seriously address the problems being faced by them such as fear, shame, gender dysphasia, social pressure, despair, suicidal tendencies, social dishonour and should be given any assistance for Sex relocation Surgery for declaring one's gender (Geethanjali M, 2018, p. 2).

Research Objective

To elucidate why transgender people in District Bahawalpur have not been able to participate in electoral process and to suggest how political participation of transgender people can be enhanced.

Research Questions

1. Why are transgender marginalized and discriminated in Pakistan?
2. Why transgender have not been able to contest and win elections?
3. Why transgender people do not cast their vote?
4. What are the basic political rights of transgender?
5. What steps can be taken to increase political participation of transgender in Pakistan?
6. What actions government should take to educate transgender community?
7. How will political participation give them the urge to step forward for their betterment?
8. How can political participation give them acceptance in society as normal citizens?
9. How will political participation enable them to earn livelihood with dignity and respect?

Research Methodology

This study examines the factors behind low level of political participation of transgender community. This qualitative study was conducted in District Bahawalpur, Punjab. Ten Semi structured interviews were conducted with the members of Transgender community of Bahawalpur. Respondents were chosen based on convenience sampling. A consent form got signed from participants. They were given 15 days to withdraw from research. Moreover, they were assured that their privacy would be respected and identity would not be disclosed.

Questions of the interview were categorized in three groups. First one was about personal information of an interviewee which included questions like name, age, education, source of income and CNIC. The second group of questions was about their political awareness, experiences and interests. For example, have they ever cast a vote, if yes then what type of issues they faced, do they support any political party, and have they ever thought of running for elections? The third set of questions is about their political rights. For instance, how and why their political rights are not fulfilled, how they are being marginalized, how their issues can be resolved and what would they do if they get a chance to represent their community in assembly.

Findings and Discussions

The responses showed that the highest education gained by responding transgender have been Intermediate. Only three have got education till higher school. Most of them had never been to school. They even did not know how to read and write. They even did not have any vocational skills like welding and carpentering to earn their livelihood. Even if they had, they would not have been given a job. Like, they mentioned most of them are good at cooking, dancing, beautician and dress designing but they are compelled to do dance at functions. It is believed that they are born to do that. They are seen and treated in that way. Moreover, the basic issue faced by most of the senior members of transgender community were their CNIC issuance. Denial of CNIC issuance was like denial of identity. Unfortunately, many transgender have died identity less. In 2009, Supreme Court of Pakistan ruled that transgender have right to have CNIC, education, health facilities and employment opportunities as a third gender.

Unfortunately, this ruling failed to provide identity of transgender but in 2012 this verdict had been implemented. Resultantly, junior transgender got their national identity cards very easily. Having CNIC is the base of approval of their political rights which were denied a few years back. Many transgender have very agonizing story of getting CNIC. A senior member of Focus Transgender Organization Bahawalpur - said I got my CNIC 15 years ago with many hurdles. I even had to cut my hair and dress up like a man to get a photo for CNIC because my gender was written as a male. There are numerous similar stories of barriers in getting CNIC.

It was distressful and despondent to know the answers of the second group of questions which was about their political awareness, interests and experiences. Just two out of ten interviewees have ever cast a vote in their life. One respondent said that she went to cast a vote in the female polling booth but they asked her to go in male polling booth. She went there and people made fun of her and called her with different names. Then she requested a senior election officer who sent her to the female polling booth and she cast her vote. She hopelessly said that was her first and last time. She will never ever go to cast a vote again. Other respondents said they do not have any interest in politics, they do not follow or like any political party, they do not even want to cast vote because they are not accepted in society as normal human beings, and even few started laughing when they were asked about contesting elections because it is far-fetched dream for

them. A senior member of Focus Transgender organization Bahawalpur said she would not miss a chance to represent her deprived community in national assembly. If she will ever be given a chance, she will contest for elections.

Similar responses received in the third group of questions which was about their political rights. Sadly, they were not aware of their political rights. They were not even familiar with politics and the election process. They even did not know about political parties, interviewers had to explain to two people what does mean by political party. They believe that they have nothing to do with politics. They have their own issues which need immediate attention. Like when an interviewee was asked about her political rights, she said that

“hmra sub say bara masla sound system ka hai, police sound system nahilaganaydetitouhmra function nahihotaachay say. Bus ye maslahalkardain. Functions chaltayrehain roti paktirehayhmain or kuchnahichahye”.

“Instead of mentioning political rights she said our biggest issue is about sound systems. Police do not allow us a sound system that’s why we cannot dance properly. We just demand that we dance to earn bread and butter so we can survive”.

Another respondent said that we do not know about our political rights and we do not need that. We need our basic survival rights like we are dependent on dancing for livelihood. Police put us in jail upon dancing at functions but they do not say anything to host. They are equally responsible. Woefully, instead of protecting their rights, police restrict their limited sources of income. Other stakeholders need to be made responsible as well. There is a need for rule of law.

Furthermore, for the third set of questions, many interviewees said lack of education is their important and urgent problem which needs immediate attention. This education should be both sided. They said people should be educated at school level that LGBT are normal human beings like them. They deserve to be treated equally with respect. If people will be educated then they will be welcoming towards us. On the other side, there is a dire need of educational facilities for transgender community. Separate schools should be made for us. Education of transgender needs to be promoted. If we will be educated, we will do jobs rather than dancing and prostitution and ultimately people will start respecting us.

One participant asked How long will we keep dancing? We also deserve to work at the office with dignity. We are no less intelligent than other people. One respondent postulated that if we will be respected and treated equally our all rights will be granted to us ultimately. Our rights are

not provided because we are not even fully recognized and owned by society. A senior member of focus transgender organization Bahawalpur asserted that if I will win an election and go to assembly, I will work for the education of transgender because the solution of our problems is in education. Only education can increase our political participation and make us a winning candidate because without education we do not have any voice and we will not be heard forever. She further demanded that we just do not require spoken promises. We need constitutional rights in education and politics. Lawmakers should pass any act to make education free and compulsory for us as well as make this part of the syllabus to teach people about our rights. Moreover, three interviewees questioned how we can contest against other people? Is this realistic to run for office against any renowned and respected politician, feudal lord or industrialist. No one will vote for us and we will never win. Our political rights can only be provided if we run for a specific seat and our own people vote for us.

To conclude, first of all, governments and departments like police make sure to protect their basic human rights. There should be rule of law. Instead of limiting their resources, they need to be facilitated. Similarly, to enhance political participation of transgender people, they are required to get educated and for that there should be some law making about compulsion of education upon them. In addition to this, there should be quota for transgender to contest in elections like other minorities.

Recommendations

According to the research conducted and data collected through interviews these recommendations are made to expand political awareness and participation of transgender community:

1. Education should be made compulsory for transgender community. Government should open special schools for them to make the education process easy and feasible for them. 2. Government should provide vocational training to them so they can earn their sustenance with honor.
2. Some transgender people are educated up to matric and intermediate level. Government should fix the job quota at clerical and administrative level for them. So, they can get jobs without competing with other people.
3. Similarly, there is need to make constitutional change and fix reserve seats for transgender community. Hence, they can contest with their own people instead of the general public and reach the assembly.
4. It should be made part of curriculum to teach children about transgender community and other minorities so they can recognize them and respect them.

5. The way Election Commission of Pakistan has made mandatory for Political Parties to give tickets to women and taken other measures to ensure participation of women same measures need to be taken to rise political participation of transgender community.

Conclusion

In conclusion, transgender community is one of the most denigrated and deprived community in Pakistani society. They are not treated as normal human beings. They are kept disadvantaged in every walk of life. Even their lives are at risk. It is the responsibility of the government to protect them and provide them with basic facilities. Likewise, it is essential for law making authorities to make changes in laws to safeguard transgender community. This study examines the reasons behind low level of political participation of Transgender community. The data shows that they are required to be educated and trained vocationally. If they will be educated, they will be able to raise their voices for their rights and better present themselves. Government and law-making agencies are required to take concrete measures to surge political participation. In fact, there are many small actions that need to be taken to get better results. Like education of transgender community should be prioritized. In addition to this, reserved seats should be fixed for them. Government has taken many initiatives about their right to get a National Identity card and cast a vote. However, these steps are not enough to make changes in their grim situation.

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Consent form

Name of the department: Political science

Name of Principal investigator: Dr Shakil Akhtar

Title of the study: Political Marginalization of Pakistani Transgender Community: A Case Study of District Bahawalpur

- I confirm that I have read and understand the information about the project as provided in the participant information sheet dated.
- I understand that my participation is voluntary and that I am free to withdraw from the project within 15 days, without having to give a reason and without consequences.
- I understand that my identity will remain hidden in this project.
- I agree to take part in the above study and have had the opportunity to ask questions which

have been answered fully.

Name of Participant	Signature	Date

Interview Questions

1. What is your name?
2. What is your age?
3. Have you ever been to school?
4. What is your qualification?
5. What is your source of income?
6. Do you have CNIC and when did you get your CNIC? Did you get it easily or faced any issues? If yes then what types of issues did you face? If not, why aren't you getting CNIC?
7. Do you support any political party? Which political party is your favorite and why do you like this political party? Have you ever attended any jalsa and jaloos during elections season? Have you ever been part of any election campaign? Has any contestant come to ask for your vote?
8. Did you ever cast a vote? Why did you never get a chance to cast a vote? Why transgender people do not cast their vote? What type of issues do you face while casting a vote?
9. Have you ever thought of running for elections? Do you know anyone from your community who has contested for elections?
10. Why transgenders have not been able to contest and win elections like cisgender?

11. What are the basic political rights of transgender? Are you aware of your political rights? Has any governmental institution and organization tried to educate you of your political rights?
12. What steps can be taken to increase political Participation of Transgenders in Pakistan? What actions government should take to educate transgender community? How will political participation give you the urge to step forward for your betterment?
13. Do you consider yourself as normal citizens? Do you feel discriminated against?
14. How political participation can give you acceptance in society as normal citizens?
15. How will political participation enable you to earn livelihood with dignity and respect?
16. If you ever get elected for assembly what would you do for your community? What issues would you address first?
17. What do you think, why are transgenders marginalized and discriminated against in Pakistan?