

GOVERNMENT OF PAKISTAN
MINISTRY OF HUMAN RIGHTS
9th Floor, Pak Secretariat, Kohsar Block,

No.13(18)/2019-AD HR-II

Islamabad the 20th April 2021

Subject: TRANSGENDER PERSONS (PROTECTION OF RIGHTS) RULES, 2020

Dear Sir,

The undersigned is directed to say that Transgender Persons (Protection of Rights) Rules, 2020 has been promulgated to provide protection, relief and rehabilitation of the transgender persons and their welfare and for matters connected thereto. For effective implementation of the Act, the federal government has approved and notified the Transgender Persons (Protection of Rights) Rules, 2020. The copy of the same is enclosed herewith for implementation and further necessary action by all concerned departments/organizations.

Encl: (As above)

B.D.
Jamil
23/4


(Samina Batool)
Assistant Director (HR-II)
051-9202865

- ✓ 1. The Chairman, Higher Education Commission, Islamabad.
2. The Secretary, Election Commission of Pakistan.
3. The Chairman, National Database and Regulation Authority (NADRA), Islamabad.
4. The Chief Commissioner, ICT, Islamabad.
5. The Inspector General of Police, ICT, Islamabad.

The Gazette of Pakistan

EXTRAORDINARY

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PART II

Statutory Notifications containing Rules and Orders issued by all Ministries and Divisions of the Government of Pakistan and their Attached and Subordinate Offices and the Supreme Court of Pakistan

GOVERNMENT OF PAKISTAN

MINISTRY OF HUMAN RIGHTS

NOTIFICATION

Islamabad, the 19th January, 2021

S.R.O. 22(KE)/2021 :

In exercise of the powers conferred by section 20 of the Transgender Persons (Protection of Rights) Act, 2018 (XIII of 2018), the Federal Government is pleased to make the following rules: -

1. **Short title and commencement:**— (1) These rules shall be called the Transgender Persons (Protection of Rights) Rules, 2020.
(2) They shall come into force at once.
2. **Definitions:** — (1) In these rules, unless there is anything repugnant in the subject or context: -
 - (a) "Act" means the Transgender Persons (Protection of Rights) Act, 2018 (XIII of 2018);

(199)

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- (b) "adopted name" means the transgender persons non-birth name used in self reference;
- (c) "applicant" means a transgender person applying for identification documents;
- (d) "blood relative" means the brother or sister of the transgender person;
- (e) "Authority" means the Capital Development Authority, Islamabad in addition to any development authority in each province;
- (f) "Division Concerned" means the Division to which business of the Act stands allocated;
- (g) "educational department" means all Government schools, colleges, universities, institute, board, Higher Education Commission and any other education regulating department of Government responsible for the affairs of education wherever they may be in Pakistan;
- (h) "gender affirming services" includes hormone therapy, surgery, facial hair removal, interventions for the modification of speech and communication, behavioral adaptations such as genital tucking or packing and chest binding, as specified by the World Professional Association for Transgender Health;
- (i) "guardian" means the guardian (parents, guru or other) of a transgender person;
- (j) "identification document" means CNIC, driver's licence, child registration certificate (CRC), passport, educational documents, property documents or any other legal document to identify the transgender person;
- (k) "law enforcement agencies" means the Police including other law enforcement agencies;
- (l) "lock up" means the overnight detention cell present in each police station during police remand;
- (m) "health department" means any Government health providing facilities, hospitals wherever they may be in the country;
- (n) "officer" means an officer of the law enforcement agencies;
- (o) "passport office" means the Directorate of Immigration and Passports;

- (p) "police station" means all the police stations;
 - (q) "public space" means any indoor or outdoor area, real property or structures that are owned, leased or controlled by a governmental entity or any other place to which the public is invited such as, but not limited to, parks, plazas, roadways, entranceways, hospitals, educational institutions, museums and libraries; and
 - (r) "traffic police" means the Police assigned with the duties to regulate traffic;
- (2) Words and expression used but not defined herein shall have the same meanings as assigned in the respective laws.
- 3. Amending existing CNIC:** - (1) NADRA shall appoint a designated official in each NADRA office to accommodate an applicant to change his/ her name and gender on his/ her CNIC.
- (2) In accordance with sub-section (4) of section 3 of the Act, NADRA shall register the name and gender of an applicant to "X", in accordance with his self-perceived gender identity.
 - (3) NADRA shall register the applicant according to the applicant's self-perceived gender identity upon the receipt of the applicant's previously issued CNIC.
 - (4) NADRA shall accept and amend a request for name and gender by an applicant change within its database record once.
 - (5) NADRA shall process any further request for change of name and gender by an applicant supported by cogent reasons for change. The applicant will also submit an affidavit, clearly indicating the cogent reasons for request of change of particulars and willingness to continue with the gender identity, unless applicant's changing circumstances so require.
- 4. First time registration of CNIC:** - (1) Upon the receipt of registration documents for CNIC, NADRA shall, as applicable, accommodate such request of the applicant according to his/ her self-perceived gender identity upon receipt of any of the following, namely: -
- (a) biometric verification of one parent of the applicant and CNIC copies of both parents; or
 - (b) biometric verification of a guardian (guru or other) of an applicant registered in the NADRA database; or
 - (c) NADRA policy and procedure applicable for orphans, in the absence of all other avenues for obtaining CNIC.

5. **Application for renewal of passport.** (1) The passport office shall have a designated official to accommodate the applicant to change the name and gender on all documents pertaining to reissuance of passports.
- (2) The passport office shall register the applicant according to the applicant's self-perceived gender identity upon the receipt of a valid CNIC stating the applicant's gender to be "X".
- (3) Upon the receipt of a valid CNIC, the passport office shall accept and process the application for passport renewal of the applicant.
- (4) The passport office shall process the request of issuance of passport of the applicant according to the details stated in the CNIC.
6. **Application for renewal of driver's licence.** – (1) The traffic police shall assign a designated official to accommodate an applicant to change the name and gender on all documents pertaining to the re-issuance of the driver's licence.
- (2) The traffic police shall register the applicant according to the applicant's self-perceived gender identity upon the receipt of a valid CNIC.
- (3) Upon the receipt of a valid CNIC, the traffic police shall accept and process the application for driver's licence renewal submitted by the applicant.
- (4) The traffic police shall process the request of the issuance of the driver's licence according to the details stated in the CNIC.
7. **Amendments to educational documents.**– (1) The relevant education departments shall each have a designated official to accommodate an applicant to change the name and gender on all documents pertaining to the issuance of educational certificates, degrees and other related documents as per the applicant's self-perceived gender identity.
- (2) The designated official of the relevant education department shall amend the applicant's name and gender on the certificates and degrees upon the receipt of the CNIC with the gender category "X".
- (3) Upon the receipt of the CNIC by the applicant, the relevant education institution shall accept and process the application for the change of name and gender submitted by the applicant.

8. **Change of all other documents:** - (1) The CNIC shall be the principal requirement utilized by all Government organizations for processing the amendments of all other identification documents for transgender persons.
 - (2) The concerned Government organizations shall have a designated official to accommodate an applicant to change the name and gender of an applicant for all other identification documents.
9. **Separate queue for transgender persons:-** (1) All the Government organizations shall designate separate queues for transgender persons.
 - (2) In the absence of separate queue, transgender women shall stand in the female queue and transgender men shall stand in the male queue.
10. **Performance of hajj and umrah:** - Foreign Affairs and Religious Affairs and Interfaith Harmony Divisions shall accommodate transgender persons holding a valid passport with gender category "X" to perform the religious pilgrimage of hajj, umrah and ziarat.
11. **Establishment of protection centers:** - (1) In accordance with clause (a) of section 6 of the Act, the Division concerned and relevant provincial departments shall establish and maintain protection centers for transgender persons.
 - (2) The protection centers under sub rule (1) shall provide medical facilities, legal support, socio-economic help, psychological care, counseling, and education to transgender persons.
 - (3) Unless there is threat or risk of danger, the protection center shall allow access to any transgender person who approaches the protection center.
 - (4) The protection center shall have a grievance redressal mechanism in place to accommodate the needs and to provide guidance to transgender persons.
 - (5) For the effective establishment, maintenance and functioning of the protection centers, the Division concerned and provincial department shall: -
 - (a) allocate new or existing infrastructure for the establishment of the protection centers;

- (b) allocate a reasonable budget for the smooth functioning and upkeep of the protection centers;
 - (c) develop and maintain standard operating procedures for the functioning of the protection centers, including but not limited to, the provision of adequate medical and administrative staff and a grievance redressal mechanism to accommodate the legal, social, economic, mental and psychological needs of the transgender person; and
 - (d) form a liaison between the protection centers and relevant Government functionaries, including but not limited to, hospitals for physical and psychological care, registration with NADRA in case of abandoned transgender person, social protection agencies for micro finance loans schemes, access to *pro bono* legal representation and technical training and education institutions.
12. **Arrest:** - (1) The arrest of any transgender person by officers of the law enforcement agencies shall be in accordance with the Code of Criminal Procedure, 1898 and the Pakistan Prison Rules, 1978, notwithstanding -
- (a) at the time of arrest, the arresting officer shall address transgender persons by the individual's adopted name and appropriate pronouns;
 - (b) if an individual's gender expression does not clearly indicate a transgender person's identity, the arresting officer shall inquire how the transgender person wishes to be addressed;
 - (c) searching or touching any transgender person for the purpose of obtaining information about their gender status at the time of arrest of a transgender person is prohibited; and
 - (d) removal or confiscation of any appearance-related items at the time of arrest of a transgender person or during police remand, including but not limited to, prosthetics, clothes, wigs, or make-up is prohibited unless such items present a safety hazard.
13. **Mode of searching transgender persons:** - (1) All searches conducted by officers shall be in accordance with the existing laws pertaining to search under the Code of Criminal Procedure, 1898.
- (2) Without prejudice to the provision under sub-rule (1) -
- (a) all searches conducted by officers of the law enforcement agencies shall be conducted by officers of the same gender as the transgender person's gender identity, as indicated in CNIC;

- (b) if a transgender person makes a request to be searched by an officer of a specific gender in accordance with the gender indicated in transgender person's CNIC, that request shall be accepted; and
 - (c) In case CNIC is not available and the officer believes that the transgender person's request cannot be reasonably accepted, the officer shall record the reasons in writing for not complying with such request.
14. **Transportation and detention:** - (1) Transgender persons shall be transported to and from the police station, prison, and the court alone.
- (2) Any transgender person detained under the law shall be subject to the existing laws pertaining to detention, including the Pakistan Prison Rules, 1978 and the Prisons Act, 1894.
 - (3) without prejudice to anything contained in sub-rule (2) –
 - (a) transgender person detained shall be provided with a separate cell during the time of detention;
 - (b) the jail authorities shall ensure maximum protection to transgender persons during the course of their detention; and
 - (c) transgender persons detained in jail shall be provided with separate washroom facilities.
15. **Establishment of separate cells:** – (1) All police stations shall have separate lock up facilities for transgender persons during police remand.
- (2) Each lock up in police remand shall have at least one separate cell for transgender persons.
 - (3) In the absence of a separate cell, the officer in charge shall ensure that the transgender persons are held in a separate lock up accommodation.
 - (4) A transgender person sentenced to imprisonment upon conviction of a crime shall be provided with separate cell accommodation.

16. **Identification of documents pertaining to arrest:** – (1) A transgender person listed on all official documents shall be identified in a manner which is consistent with his/ her valid CNIC, including name and gender.
- (2) If the transgender person uses an adopted name, the adopted name should be listed as an alias in writing by the law enforcement agencies.
- (3) In the absence of a CNIC, transgender persons without any Government identification shall be identified according to their self-identified gender.
17. **Inclusion in education institutions:** – In accordance with section 8 of the Act, the Division concerned and provincial departments to which businesses of education stands allocated shall provide incentives aimed at the inclusion of transgender persons in all educational institutions, including but not limited to -
- (a) registration and gender change of new and existing admission and certification documentation to include the "X" gender category;
- (b) development of anti-discrimination policies for transgender persons in educational institutions;
- (c) provision of scholarships, bursaries, and opportunities for free education for transgender persons;
- (d) promotion of research programs related to transgender persons in subjects of social and behavioral science;
- (e) induction of transgender related curriculum in the academic field of gender studies.
- (f) in the absence of the parents or direct family member of a transgender person, the relevant educational institution shall record the name of the guardian in the relevant official documentation of the transgender student below the age of eighteen years; and
- (g) the Division concerned and provincial departments to which the businesses of education stands allocated shall establish a complaint register for transgender persons who have been discriminated against based on their gender identity and denied admission into an educational institution and take necessary action to redress the complaints.

18. **Right to employment:** – (1) All Government authorities shall formulate and maintain a transgender employment policy for the integration of transgender persons in the workforce in accordance with their skills, experience, and qualifications.
- (2) The Government shall employ at least one transgender person in each Division and provincial department.
 - (3) The Federal Ombudsman shall entertain the complaints relating to employment by transgender persons through the Commissioner for transgender persons.
 - (4) Harassment at the workplace law shall be applicable in cases of harassment.
19. **Health services:** - In accordance with section 12 of the Act, the Division concerned and provincial departments to which business of health stands allocated shall: -
- (a) ensure that transgender related health issues and guidelines, including but not limited to, World Health Organization and World Professional Association for Transgender Health shall be incorporated in medical curriculum;
 - (b) form policies to allow and increase accessibility of transgender persons for medical care and attention in hospitals, including but not limited to, gender affirming services; and
 - (c) from time to time, promote gender sensitization trainings related to transgender persons for all hospital staff to reduce stigmatization of transgender persons.
20. **Right to assembly:** – The transgender community shall subject to law be entitled to celebrate their birthdays, events, and celebratory occasions without the need of approval from the law enforcement agencies, in accordance with constitutional and legal framework of the country.
21. **Right of access to public places:** – The Capital Development Authority and any other relevant federal or provincial authorities and departments shall form anti-discrimination policies for the transgender community in all public places, places of entertainment or religious purposes including, but not limited to, public parks and public libraries.

22. Right to vote: - The Election Commission of Pakistan shall: -

- (a) launch a CNIC registration campaign aimed to address awareness and information to transgender persons to obtain CNICs in the format prescribed in rule 3 and 4, as applicable;
- (b) allocate a separate voting queue and voting booth for transgender persons in accordance with gender category "X", as specified in the CNIC; and
- (c) disseminate ongoing awareness campaigns to promote social inclusivity and educate transgender voters in the election process.

23. Right to hold public office: - The Election Commission of Pakistan shall: -

- (a) stipulate a nominal fee for nomination papers to mobilize and facilitate the inclusion of transgender persons in electoral rolls;
- (b) include a separate column for gender category "X" for transgender persons in the nomination papers to contest in elections; and
- (c) take notice and immediate action against the harassment of a transgender candidate during the campaigning or electoral process through accessible and effective complaint mechanisms.

24. Periodic sensitization and awareness: - In accordance with clause(c) of section 6 of the act, the Ministry of Information and Broadcasting shall ensure public awareness and sensitization on transgender rights through various means, including but limited to, radio transmissions, television transmissions including special programs, dramas etc., special advertisements, social media campaigns, in collaboration with other Divisions concerned and events aimed at social inclusion of transgender persons.

[No. F.13(18)/2019-AD(HR-II)]

ABDUL SATTAR,
Director (HR).