**GENDER SENSITIZATION WORKSHOP**
Charting The Way Ahead for Police Engagement with Transgender Persons

# OVERVIEW

Transgender persons in Pakistan constitute one of the country’s most vulnerable and marginalized communities due to a multitude of inter-related socio-cultural, political, economic and legal hurdles. The community which traditionally enjoyed an
esteemed status in the pre-colonial South Asian society suffered a gradual decline in its socio-economic status during the British Raj which ostracized and criminalized transgenderism through the Criminal Tribes Act, 1871. Such colonial-era stereotypes and misconceptions surrounding transgender persons have remained embedded in Pakistani society till date.

 Despite the constitutional guarantee of equal rights for all citizens of Pakistan without any discrimination on the basis of sex [[1]](#footnote-1), the daily experience of Pakistan’s transgender persons is marked by marginalization, abuse, degradation, lack of opportunity, social opprobrium and most critically, all-pervasive violence. In May 2018, the Government of Pakistan passed an unprecedented and historic legislation — The Transgender Persons (Protection of Rights) Act, 2018 —with the aim of advancing and mainstreaming the constitutional rights of transgender persons. The legislation itself is wide ranging and encapsulates the right to identity, inheritance, health, education, employment and access to public places.

The Federal Ministry of Human Rights (MoHR), which was a participant in the consultative process to bring about the aforementioned Act, has been delegated the responsibility for its effective implementation by the Parliament. To achieve this goal, MoHR has not only conducted consultations and meetings with transgender rights activists and civil society organizations but has also established the National Implementation Committee on transgender persons which consists of a transgender focal person from each province. Furthermore, MoHR has also appointed a Transgender Expert from the community itself, who serves as the coordinator of the said committee. These initiatives taken by MoHR are setting examples for others to follow in order to promote and mainstream transgender rights.

In pursuance of its goals, MoHR plans to conduct a gender sensitization workshop in order to chart the way ahead for police engagement with transgender persons. In addition to providing a historical backdrop to the current status of transgender persons in Pakistan, the workshop shall aim to:

* Sensitize Law Enforcement Agencies (LEAs) on transgender issues and unique challenges.
* Improve understanding of the Transgender Persons (Protection of Rights) Act, 2018, among the LEAs.
* Increase trust in the LEAs by the transgender community.
* Present Draft Guidelines for Police Engagement with Transgender Citizens and set timelines for feedback and finalization of draft guidelines.
* Organize awareness sessions with transgender community on the new SOPs of police.
* Replicate this sensitization workshop in the provinces, spearheaded by MoHR.

The workshop will provide a platform for the MoHR to solicit feedback from representatives of LEAs on Draft Guidelines for Police Engagement with Transgender Citizens. The feedback shall then be incorporated and a revised draft will be presented to key stakeholders at a consultation which will be held on a later date.

# METHODOLOGY

The Draft Guidelines for Police Engagement with Transgender Citizens aim to bridge the gap between international best practices and national realities through measures that are not only implementable and practical but also relevant to the Pakistan’s legal context. In addition to a rigorous legal review and analysis of national legislative framework, an extensive desk review was undertaken which covered international human rights best practices, relevant policy documents, academic research articles, and the latest directives developed by law enforcement agencies in the United States. Some of the most prominent sources include:

* The Constitution of the Islamic Republic of Pakistan, 1973.
* Transgender Persons (Protection of Rights) Act, 2018.
* Dr. Mohammad Aslam Khaki & another vs Senior Superintendent Rawalpindi & another (CP. 43 of 2009) (23.12.2009).
* Punjab Social Protection Authority, Transgender Persons Welfare Policy, 2018.
* International Commission of Jurists, “Yogyakarta Principles — Principles on the Application of International Law in Relation to issues of Gender Identity,” (2007).
	+ These principles address a broad range of human rights standards and their application to issues of gender identity. Each Principle is accompanied by detailed recommendations to states for addressing a number of key issues including stigmatization, discrimination and Gender-Based Violence.
* Redfern, Jan, “Best Practices to Improve Police Relations with Transgender Persons,” Journal of Law Enforcement, 2014.
	+ This highly acclaimed academic article highlights the need for sensitizing police vis-à-vis protection of transgender persons.
* Hartford Police Department (CT/ USA), “Departmental Directive: Appropriate Treatment of Detained Transgender Individuals”.
	+ The directive lays down the appropriate treatment of detained transgender individuals
* Seattle Police Department Manual, “Interaction with Transgender Individuals”, with effect from: 5 July 2019.
	+ This manual has a detailed section on how law enforcement agencies ought to interact with transgender persons
* West Yorkshire Police Department, “Policy on Transgender People”.
	+ The policy setsstandards and guidelines with respect to the interaction between law enforcement agencies with transgender persons.
* Standard Operating Procedures (SoPs) for Islamabad Capital Territory (ICT) Police drafted by prominent transgender activist, Nayyab Ali.
* The purpose of these SoPs is to establish guidelines and expectations for ICT Police response for services with the transgender community and gender non-conforming Persons. The SoPs supports the ICT Police’s Vision of Equality, Diversity and Dignity.
* Additionally, the team conducted an analysis of a training manual on transgender persons intended for the National Commission for Human Rights Pakistan (NCHR).
1. Article 25, The Constitution of the Islamic Republic of Pakistan, 1973. [↑](#footnote-ref-1)