

# *Policy Brief*

## Preventing Torture against Transgender Persons in Pakistan





# 1. Systemic Failures in Protecting Transgender Persons from Abuse

Transgender persons in Pakistan face a continuum of violence at the hands of law enforcement that extends from routine harassment in public spaces to arbitrary detention, extortion, and abuse in custody. While Pakistan has made notable legal advances in recognising transgender rights, these protections have not translated into meaningful safeguards against torture and ill-treatment in practice for transgender persons in Pakistan.

This policy brief argues that the central challenge is not the absence of legal protections, but their failure in implementation. Existing laws, including constitutional guarantees, the Transgender Persons (Protection of Rights) Act, 2018, and Pakistan's obligations under international human rights law, prohibit discrimination, arbitrary detention, and custodial abuse. However, in the absence of binding operational frameworks, independent oversight, and accessible complaint mechanisms, these protections remain largely ineffective.

As a result, transgender persons experience heightened institutional harm: they are targeted and harassed in public spaces, subjected to abuse and extortion during police encounters, exposed to heightened risk of torture and degrading treatment in custody, and systematically denied access to effective remedies. This continuum reflects not isolated misconduct, but a pattern of structural failure across policing and accountability systems.

Drawing on qualitative interviews with transgender individuals, legal analysis, and institutional review, this brief examines how gaps in law, policy, and practice enable these violations to persist. It identifies key barriers to protection and redress, and proposes targeted legal and institutional reforms to ensure accountability, prevent abuse, and strengthen access to justice.

This brief examines how legal protections for transgender persons in Pakistan fail to translate into effective safeguards against abuse in practice. It first outlines the relevant international and domestic legal frameworks, before analysing key gaps in implementation that enable police misconduct and deny access to redress. Drawing on qualitative interviews, it then highlights patterns of abuse and institutional barriers faced by transgender individuals. The brief concludes with targeted recommendations to strengthen accountability, prevent violations, and improve access to justice.

## 2. Existing Legal Protections

### 2.1 Constitutional Guarantees

Pakistan's constitutional framework guarantees fundamental rights that apply to all individuals, including transgender persons.<sup>1</sup> Article 25 ensures equality before the law and prohibits discrimination, while Article 14 guarantees the right to dignity and protection from torture. Article 38 further obliges the State to secure the well-being of all persons, regardless of sex, caste, creed, or race. Taken together, these provisions establish a clear obligation on the State to ensure non-discrimination, protect dignity, and safeguard individuals from abuse, including in interactions with law enforcement.

The Superior Courts of Pakistan have reinforced the centrality of these protections, particularly the right to dignity. As articulated in constitutional jurisprudence:

*“No person in whatever capacity is allowed to detract, defame or disgrace any other person, thereby diminishing, decreasing and degrading the dignity, respect, reputation and value of life... It is alarming to observe that the right to dignity of person is the only right of Pakistani citizens that is not subject to the law and is perhaps most commonly abused, particularly by State functionaries.”*<sup>2</sup>

This interpretation underscores that the right to dignity is not only fundamental, but absolute in nature, placing a heightened obligation on State authorities, particularly law enforcement, to prevent degrading treatment and abuse in all contexts, including custodial settings. These principles are directly engaged in the treatment of transgender persons by law enforcement.

### 2.2 Statutory Protections

These constitutional guarantees are reinforced by statutory protections, most notably the Transgender Persons (Protection of Rights) Act, 2018 (TPPRA), which represents a significant legislative milestone in recognising the rights of transgender persons in Pakistan.<sup>3</sup>

The Act affirms the right to self-perceived gender identity and recognises transgender persons as individuals whose gender identity may differ from socially assigned norms, encompassing a broad spectrum of gender-diverse identities.<sup>4</sup> It guarantees key rights including self-expression and assembly, in line with constitutional protections, and explicitly prohibits discrimination and harassment in areas such as employment, healthcare, education, and access to public services.<sup>5</sup>

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<sup>1</sup> Constitution of the Islamic Republic of Pakistan (as amended up to 2024), 10 April 1973, <https://www.refworld.org/legal/legislation/natlegbod/1973/102484> [accessed 24 March 2026] [https://na.gov.pk/uploads/documents/1333523681\\_951.pdf](https://na.gov.pk/uploads/documents/1333523681_951.pdf)

<sup>2</sup> Juma Khan v. Director General National Accountability Bureau Quetta, 2023 PCrLJ 78

<sup>3</sup> Transgender Persons (Protection of Rights) Act, 2018 (TPPRA) [https://www.na.gov.pk/uploads/documents/1526547582\\_234.pdf](https://www.na.gov.pk/uploads/documents/1526547582_234.pdf)

<sup>4</sup> In the first chapter, the Act defines 'transgenders' as those differing from social norms, encompassing all non-binary individuals.

<sup>5</sup> Transgender Persons (Protection of Rights) Act, 2018 (TPPRA), Sec. 3–9, (prohibiting discrimination and guaranteeing rights in employment, education, healthcare, movement, assembly, and access to public services)

Importantly, the Act also addresses forms of violence and degrading treatment frequently experienced by transgender persons. It obliges the State to take proactive measures, including the establishment of protection centres, provision of medical and rehabilitation services, awareness-raising initiatives, and support for livelihood opportunities. These provisions reflect an acknowledgment of the structural vulnerabilities faced by the community and the need for targeted safeguards.<sup>6</sup>

In addition, Section 18 of the Act provides a formal avenue for redress, allowing transgender persons to file complaints before bodies such as the National Commission for Human Rights (NCHR) and the National Commission on the Status of Women (NCSW). However, these mechanisms remain limited in practice, as these institutions have not been adequately equipped through capacity, training, and sensitisation to effectively receive, assess, and respond to complaints from transgender persons, particularly in cases involving abuse and mistreatment.

Alongside the TPPRA, Pakistan enacted the Torture and Custodial Death (Prevention and Punishment) Act, 2022, which criminalises torture by public officials, including acts committed for purposes such as discrimination.<sup>7</sup> While the Act does not contain provisions specific to transgender persons, its protections apply universally, prohibiting torture, sexual violence, and other forms of degrading treatment in custody or during investigation, and reinforcing the State's obligation to ensure accountability for such abuses.

However, despite this framework, the TPPRA does not provide sufficiently detailed or binding guidance on how law enforcement officials must conduct interactions with transgender persons. As a result, key protections, particularly in contexts of policing and detention, remain inconsistently implemented.

## 2.3 International Legal Obligations

The legal frameworks outlined in this section place a clear obligation on Pakistan not only to prohibit discrimination in law, but to actively prevent abuse, regulate custodial practices, and ensure accountability where violations occur—particularly in relation to transgender persons, who are at a heightened risk of violence in both public and custodial settings.

Pakistan is bound by international human rights law to prevent discrimination, violence, and abuse, including in relation to gender identity. As a State Party to core human rights treaties, Pakistan has undertaken binding obligations to ensure equal protection before the law, safeguard dignity, and protect individuals from torture and ill-treatment.

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<sup>6</sup> Ibid. Sec. 12–16 (mandating protection centres, safe houses, medical care, rehabilitation, awareness programmes, and measures to support the welfare and livelihood of transgender persons)

<sup>7</sup> Torture and Custodial Death (Prevention and Punishment) Act, 2022  
<https://pakistancode.gov.pk/english/UY2FqaJw1-apaUY2Fqa-apaUY2Npa5lqaQ%3D%3D-sg-jjjjjjjjjjjj>

The **International Covenant on Civil and Political Rights** (ICCPR) guarantees the rights to equality, liberty, security of person, and freedom from torture and cruel, inhuman or degrading treatment.<sup>8</sup> Similarly, the **International Covenant on Economic, Social and Cultural Rights** (ICESCR) requires the State to ensure non-discriminatory access to essential services, including healthcare and social protection.<sup>9</sup> The **Convention on the Elimination of All Forms of Discrimination Against Women** (CEDAW) further obliges Pakistan to take concrete measures to eliminate gender-based discrimination, an obligation that international jurisprudence has interpreted to encompass discrimination against transgender persons.<sup>10</sup> These treaty obligations are complemented by authoritative interpretive standards. The **Yogyakarta Principles** (YP) provide detailed guidance on how existing international human rights law applies to issues of sexual orientation and gender identity.<sup>11</sup> While not legally binding in themselves, they are grounded in binding treaty obligations to which Pakistan is already a party, and are widely recognised as an authoritative interpretive framework.

### ***Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity***

#### **Principle 9. The Right to Treatment with Humanity while in Detention**

“Everyone deprived of liberty shall be treated with humanity and with respect for the inherent dignity of the human person. Sexual orientation and gender identity are integral to each person’s dignity.

States shall: [...]

- 1 Provide for effective oversight of detention facilities, both with regard to public and private custodial care, with a view to ensuring the safety and security of all persons, and addressing the specific vulnerabilities associated with sexual orientation, gender identity, gender expression and sex characteristics.”

The Yogyakarta Principles affirm that States must ensure dignity, equality, and freedom from violence for transgender persons. In particular:

<sup>8</sup> International Covenant on Civil and Political Rights (ICCPR) is: International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>9</sup> International Covenant on Economic, Social and Cultural Rights <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

<sup>10</sup> Convention on the Elimination of All Forms of Discrimination Against Women, GA Res. 34/180, 34 UN GAOR Supp. (No. 46) at 193, UN Doc. A/34/46 <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

<sup>11</sup> The Yogyakarta Principles: Principles on the application of international human rights law in relation to sexual orientation and gender identity, <https://www.refworld.org/legal/resolution/icjurists/2007/en/58135>

- **Principle 10** establishes the right to freedom from torture and cruel, inhuman or degrading treatment or punishment;
- **Principle 9** affirms the right to humane treatment in detention, including for LGBTI persons.

These standards have been further reinforced by the **UN Human Rights Council**, which in its 2011 and 2014 resolutions on “*Human rights, sexual orientation and gender identity*” expressed grave concern at widespread violence and discrimination against individuals on these grounds.<sup>12</sup> The Council requested the **Office of the High Commissioner for Human Rights (OHCHR)** to document such violations, and subsequent reports called on States to take concrete measures, including:

- training law enforcement personnel and judicial actors in gender-sensitive approaches;
- ensuring police and prison officials are equipped to protect the safety of LGBT detainees; and
- holding State officials accountable for acts of violence or complicity in such abuses.

Together, these frameworks clarify that States have a positive obligation not only to prohibit abuse, but to actively prevent violence, regulate the conduct of law enforcement officials, and ensure accessible and effective remedies.

In custodial contexts, international human rights standards further emphasise the heightened vulnerability of transgender persons. The **UN Subcommittee on Prevention of Torture** has underscored that detention and placement decisions must take into account an individual’s gender identity, personal safety, and their own views, rather than relying solely on sex assigned at birth.<sup>13</sup>

Similarly, **Rule 2** of the **UN Standard Minimum Rules for the Treatment of Prisoners** (the Nelson Mandela Rules) requires authorities to account for the specific needs of vulnerable groups and to adopt protective measures that ensure their safety and dignity.<sup>14</sup>

These obligations are directly engaged in the treatment of transgender persons in police custody and other forms of detention. They require the State to adopt specific safeguards to prevent abuse, ensure dignity, and protect against discriminatory treatment.

## 2.4 Institutional and Policy Measures

Institutional and policy responses to the rights of transgender persons in Pakistan have evolved over time, shaped significantly by judicial intervention, administrative reform, and provincial policy initiatives. These developments reflect growing recognition of the

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<sup>12</sup> Reports of the Office of the United Nations High Commissioner for Human Rights, Discrimination and violence against individuals based on their sexual orientation and gender identity, A/ HRC/19/41, 17 November 2011 and A/HRC/29/23, 4 May 2015.

<sup>13</sup> Subcommittee on the Prevention of Torture During a Presentation Before the Inter-American Commission on Human Rights October 23rd, 2015 (157 Period of Sessions, Situación de derechos humanos de las personas LGBT privadas de libertad en América Latina)

<sup>14</sup> The UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) [https://www.unodc.org/documents/justice-and-prison-reform/Nelson\\_Mandela\\_Rules-E-ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf)

vulnerabilities faced by transgender persons, including exposure to harassment, violence, and abuse by law enforcement authorities.

The constitutional recognition of transgender rights can be traced to the Supreme Court's decision in *Dr. Muhammad Aslam Khaki v. SSP (Operations), Rawalpindi (2009)*, which affirmed that transgender persons are citizens entitled to fundamental rights, including protection from harassment and recognition in state records.<sup>15</sup> Subsequent judicial developments, including a **2016** judgment of the **Lahore High Court** permitting transgender individuals to list their gender name on national identity documents, further expanded legal recognition and inclusion.<sup>16</sup>

Building on this foundation, the **Punjab Transgender Persons Welfare Policy (2018)** marked a significant policy initiative.<sup>17</sup> The policy explicitly acknowledges that transgender persons face widespread discrimination, social exclusion, and degrading treatment, including abuse by law enforcement. It introduces a range of welfare and inclusion measures, including access to healthcare services such as hormone therapy and gender-affirming procedures, as well as livelihood support and social protection mechanisms.

These efforts were reflected in administrative measures. In **2021**, **NADRA launched a nationwide registration campaign**, registering 5,626 transgender persons who identified as a gender other than male or female, thereby advancing formal recognition within state systems.

However, the policy simultaneously reflects tensions within the State's approach. It reinforces the over-policing of poverty by framing survival-based activities as "social evils." Section 8.4.1.7 mandates the creation of joint teams of the Social Welfare Department and police to address issues such as beggary and "other contentious activities" involving transgender persons. This approach effectively legitimises increased surveillance and criminalizes survival based activities associated with economically marginalised transgender individuals, thereby reproducing the very conditions that expose them to harassment, detention, and abuse.

At the federal level, further efforts have been made to guide law enforcement conduct. In **2020**, a **Commission constituted by the Islamabad High Court**, chaired by the Ministry of Human Rights, developed a report setting out **Draft Guidelines for Police Engagement with Transgender Persons**.<sup>18</sup> These guidelines provide detailed procedural safeguards covering arrest, detention, search, booking, medical care, and access to facilities.

Importantly, the guidelines address key sites of abuse by:

- requiring respectful forms of address;

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<sup>15</sup> <https://www.icj.org/wp-content/uploads/2012/07/Khaki-v.-Rawalpindi-Supreme-Court-of-Pakistan.pdf>

<sup>16</sup> Towards gender equality <https://doi.org/10.1007/978-3-030-98072-6> in law. (2022). In Springer eBooks

<sup>17</sup> Transgender Persons Welfare Policy. (n.d.). In Punjab Portal. Punjab Social Protection Authority, Government of Punjab. <https://swd.punjab.gov.pk/system/files/Draft%20Transgender%20Policy.pdf>

<sup>18</sup> Prisons Reform in Pakistan Report by the Commission (Constituted by Islamabad High Court in W.P. 4037 of019) file:///Users/ayeshagardezi/Downloads/PrisonsReforminPakistan.pdf

- prohibiting invasive searches conducted to determine anatomical sex;
- mandating that searches be conducted by officers aligned with the individual's gender identity;
- prohibiting the confiscation of gender-affirming items; and
- requiring that placement decisions in custody take into account the individual's safety and expressed preferences.

They also establish training requirements for law enforcement personnel, recognising that abuse often stems not only from the absence of rules, but from lack of awareness and sensitisation, particularly at high-risk points of contact such as police checkpoints.

However, these safeguards remain limited in practice. The guidelines are not legally binding, and their development reflects an attempt to fill a regulatory vacuum, as existing police rules do not contain specific provisions addressing the needs and vulnerabilities of transgender persons.

More recent legal developments have introduced further uncertainty. The **2023 judgment of the Federal Shariat Court** struck down key provisions of the Transgender Persons (Protection of Rights) Act, 2018, including those relating to self-perceived gender identity.<sup>19</sup> Multiple appeals against the FSC decision were filed in July 2023 and remain sub judice before the Shariat Appellate Bench of the Supreme Court, and the operation of the impugned provisions remains suspended pending final adjudication. Parallel legislative debates have proposed replacing self-identification with medical certification processes, raising serious concerns about increased state scrutiny, forced verification, and invasive examination practices.<sup>20</sup> Such measures risk exposing transgender persons to degrading treatment and undermine protections against discrimination and abuse.

Additional institutional mechanisms, such as Tahaffuz (Protection) Centres and Police Khidmat Markaz (PKMs), established across Punjab between 2019 and 2021 as part of police reform efforts, represent a key interface between transgender persons and the state.<sup>21</sup> The first protection centre was established in Rawalpindi in 2020 to facilitate marginalised communities, and in 2023, the Punjab Police expanded this model across the province with a focus on providing legal aid and support to transgender persons.<sup>22</sup> These centres are designed to function as accessible, community-facing entry points for individuals who are otherwise excluded from formal policing structures, offering services including complaint registration, referral mechanisms, psychosocial support, medical referrals, and linkage to shelter and livelihood programmes. For transgender persons—who often face barriers in approaching police stations due to stigma, harassment, and fear of abuse—these centres are intended to provide a safer and more dignified alternative for seeking protection and redress. Police

<sup>19</sup> including sections 2(f), 3 and 7 of the Transgender Persons (Protection of Rights) Act, 2018

<sup>20</sup> Senate of Pakistan, *Special Report of the Standing Committee on Human Rights*, Parliament House, Islamabad, [https://www.senate.gov.pk/uploads/documents/1680584504\\_834.pdf](https://www.senate.gov.pk/uploads/documents/1680584504_834.pdf)

<sup>21</sup> Dawn News Report on establishing “Khidmat Markaz” in each District, 8 September 2017, <https://www.dawn.com/news/1356348/igp-punjab-considering-establishing-khidmat-markaz-in-each-district>

<sup>22</sup> Dawn News, “Police to extend transperson centres project across Punjab,” 28 February 2023, <https://www.dawn.com/news/1739481#:~:text=Asif%20Chaudhry%20Published%20February%2028.an%20armed%20attack%20in%20Lahore.>

stations are also expected to refer complaints involving transgender individuals to these centres, positioning them as specialised hubs for handling cases involving marginalised communities. However, while these mechanisms signal an institutional recognition of the vulnerabilities faced by transgender persons, their effectiveness in addressing police abuse remains limited. Their reliance on existing police structures, combined with operational constraints and lack of independence, undermines their ability to function as trusted avenues for redress, particularly in cases where the police themselves are implicated.

Taken together, these institutional and policy measures reflect important progress, but remain fragmented, inconsistently implemented, and in some cases counterproductive. Without binding standards and effective enforcement, they have not delivered real protection against abuse or ensured access to justice.

## **2.5 Limitations in Enforcement of Protections**

Taken together, Pakistan's constitutional, statutory, and international legal frameworks establish a comprehensive obligation to prevent abuse, ensure non-discrimination, and provide effective remedies. However, these protections remain largely ineffective in practice. In the absence of binding operational standards, independent oversight, and accessible complaint mechanisms, legal guarantees fail to translate into real protection.

The following section draws on interviews conducted by Justice Project Pakistan with transgender persons in Punjab, providing firsthand accounts of interactions with law enforcement and revealing patterns of abuse, exclusion, and barriers to redress.

### 3. Community Interviews

Justice Project Pakistan conducted 19 in-depth interviews with transgender individuals aged 17 to 55 in Lahore and Faisalabad. The participants reflected religious diversity within the community, including both Muslim and Christian individuals, with the majority identifying as Muslim.

They also represented a range of socio-economic backgrounds, though most described conditions of economic marginalisation. A small number reported relatively stable employment in civil society organisations or community initiatives. However, most relied on informal or irregular sources of income, including begging, performance-based work, and support within transgender community networks.

These patterns reflect broader trends. Transgender persons are disproportionately exposed to police violence and custodial abuse, particularly where poverty-linked activities and informal livelihoods bring them into frequent contact with law enforcement.<sup>23</sup>

#### 3.1 Patterns Emerging from the Interviews



While the interviews capture individual experiences, they also reveal several recurring patterns that help explain how transgender persons come into contact with police and how those encounters can escalate into detention and abuse.

<sup>23</sup> APT – Towards the Effective Protection of LGBTI Persons Deprived of Liberty: A Monitoring Guide [https://www.aptr.ch/sites/default/files/publications/aptr\\_20181204\\_towards-the-effective-protection-of-lgbti-persons-deprived-of-liberty-a-monitoring-guide-final.pdf](https://www.aptr.ch/sites/default/files/publications/aptr_20181204_towards-the-effective-protection-of-lgbti-persons-deprived-of-liberty-a-monitoring-guide-final.pdf)

### **Extortion and torture were common features of respondents' experiences.**

The degree of abuse reported in some of the respondent accounts amounted to torture.<sup>24</sup> 3 respondents said they were forced to strip or remove clothing, one reported being asked for a sexual act in exchange for release, and six experienced some form of sexual abuse in custody. 15 of the 19 interviewees reported being questioned, searched, detained, or otherwise harassed by police officers. For many, these were not isolated incidents but part of routine interactions in public spaces. 3 respondents described being detained without formal charges and released only after money was paid to police officers. Extortion also emerged as a recurring pattern rather than an isolated feature of arrest. 7 respondents described police taking money, demanding money, confiscating earnings, or conditioning release or assistance on payment or bribes. Together, these accounts suggest that routine police encounters often escalate into detention, financial exploitation, and repeated exposure to custodial environments where abuse can occur. They also show that the problem extends beyond custody. Interviewees described a broader pattern of refusal of protection before detention and denial of redress after detention, including refusal to register FIRs, pressure to compromise, ignored complaints, and limited access to complaint mechanisms capable of addressing police torture.

#### Case Study

A transgender respondent described persistent patterns of harassment and abuse in everyday interactions with law enforcement. She reported that police officers routinely demonstrate a lack of basic respect in their dealings with transgender individuals and, in some instances, falsely implicate them in criminal activity. According to her account, officers have planted drugs on members of the community to justify arrests, and frequently record videos of transgender persons without consent, later circulating them in ways that expose individuals to humiliation and harassment. Extortion was described as a routine practice, with threats of false cases or police raids used to extract money.

She further recounted an incident on Mall Road in Murree, where she was stopped by police and questioned about her presence in a public space. Police personnel allegedly assigned constables to follow her movements, subjecting her to continuous surveillance and harassment. She described being made to feel as though she did not belong in a space freely accessible to others, highlighting how policing practices operate to exclude transgender persons from public life.

When she attempted to seek assistance through complaint booths established in the area, her concerns were dismissed, and she was subjected to further questioning and harassment. This experience reinforced her perception that formal complaint mechanisms are neither accessible nor responsive to transgender persons, particularly in cases involving police misconduct.

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<sup>24</sup> The UN Special Rapporteur on Torture considers forcing detainees to strip naked and invasive body searches as forms of sexual violence and sexual torture.  
[https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/08/report/auto-draft/Web\\_Use\\_Version\\_2\\_FINAL.pdf](https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/08/report/auto-draft/Web_Use_Version_2_FINAL.pdf)

### **Documentation and recognition of preferred gender identity.**

NADRA documentation status among respondents varied, with significant implications for access to rights and services. 11 out of 19 participants reported having a valid CNIC reflecting their gender identity, including some with an “X” marker. However, 4 respondents either did not possess a CNIC or held documents with incorrect or invalid gender markers, limiting their ability to access services, file complaints, or engage with formal institutions. Notably, 2 respondents reported deliberately retaining an incorrect gender marker on their CNIC in order to avoid complications related to inheritance rights, highlighting the legal and social trade-offs involved in gender recognition. At the same time, even where gender-affirming CNICs were obtained, they did not guarantee inclusion: 2 respondents with an “X” marker reported facing exclusion from social protection schemes such as BISP, access to bank loans, and international travel. These findings indicate that while formal recognition through identity documentation has improved for some, significant gaps remain in both access to documentation and the practical usability of gender-affirming identity within state systems.

### **Respondents frequently described experiences of educational exclusion.**

4 out of 19 had no formal education, and five reported dropping out before completing primary level education. They attributed this to poverty, bullying, hostility from teachers, or rejection from family members once their gender identity became visible. Only 2 interviewees reported completing secondary education, while only 2 completed higher secondary education. Only 1 participant possessed a university education. Limited access to education had long-term effects, particularly in restricting access to formal employment and economic mobility.

### **Employment discrimination limited access to stable livelihoods.**

Employment discrimination further limited access to stable livelihoods. 8 participants reported facing discrimination when seeking work. Some lost jobs once their gender identity became known, while others were refused employment altogether. In the absence of stable opportunities, **12 participants** relied on survival-based livelihoods such as begging, dancing, or other informal work.

### **Increased exposure to policing.**

Survival-based activities, like begging and street vending, often take place in public spaces where police presence is high. 12 out of the 19 respondents reported begging, dancing, and other informal work as their primary source of income. 13 reported harassment by police, including detention on accusations of begging or being accused even when not engaged in such activity. 6 respondents reported sexual abuse or demands for sex in custody. This data supports the assertion that individuals on the intersection of economic and gender marginalisation encounter law enforcement more frequently than others.

### **Violence and discrimination extended beyond encounters with police.**

Violence and discrimination extended beyond police encounters. Many respondents described harassment or violence from members of the public, landlords, or service providers. 8 respondents reported being denied jobs due to their gender identity while nine reported being denied rental accommodation by landlords for the same reason. 7 respondents faced violence from family members due to their gender identity. In some cases, individuals sought assistance from police following these incidents but reported that authorities refused to register

complaints or pressured them to abandon cases. At least 2 interviewees explicitly described the mental health consequences of repeated harassment and police encounters, including anxiety, depression, stress, humiliation, and emotional exhaustion.

### **Lack of Awareness and Distrust of Formal Redress Mechanisms**

A recurring theme across the interviews was both limited awareness of legal protections and deep distrust of formal complaint systems. While 10 respondents were aware of the Transgender Persons (Protection of Rights) Act, 2018, none were aware of the Torture and Custodial Death (Prevention and Punishment) Act, 2022 or the protections it affords against torture and ill-treatment by public officials.

Distrust in complaint mechanisms further compounds this barrier. Several respondents indicated that reporting abuse by police often felt futile or dangerous, particularly where complaints had to pass through the same institution responsible for the abuse. 8 respondents reported having no trust in the system, while 4 who attempted to file complaints described inaction, suppression, or demands for bribes. Community accounts reflected the view that mechanisms of redress frequently exist more on paper than in reality. This distrust reflects a deeper institutional failure: rights cannot be meaningful if victims do not believe that reporting abuse will lead to safety, accountability, or remedy.

### **Legal Implications**

The testimonies describe a pattern of police conduct that includes arbitrary detention, physical assault, forced stripping, sexual coercion, extortion, and degrading interrogation. When carried out by public officials, such acts amount to torture or cruel, inhuman, and degrading treatment. Under Section 3 of the Torture and Custodial Death (Prevention and Punishment) Act, 2022, it is an offence for a public official to intentionally inflict physical or mental pain or suffering for purposes such as punishment, intimidation, coercion, or discrimination. The conduct described in these interviews, including beatings in custody, forced nudity, sexual coercion in exchange for release, and extortion, falls within these prohibited acts. These practices also violate Pakistan's obligations under the United Nations Convention Against Torture, which requires the State to prevent torture, investigate allegations, and ensure accountability.

## **3.2 What the Community Demands**

Drawn from the interviews with the community, these demands reflect the gaps identified in law, policy, and practice, and inform the recommendations below.

- 1. End routine police interference in everyday life**

Police engagement with transgender persons should be limited to lawful, necessary interventions, with clear prohibition of arbitrary stops, harassment, and disruption of residence or livelihood.

- 2. Ensure respectful conduct by all frontline officials**

Mandatory standards of conduct should be enforced for constables, warders, traffic

police, and other field staff, including respectful communication, non-discriminatory treatment, and prohibition of public humiliation.

**3. Make police accountability mechanisms accessible and trusted**

Complaint pathways must be simple, confidential, and capable of acting against police misconduct, with safeguards against retaliation and informal settlement pressures.

**4. Guarantee access to CNICs without administrative barriers or adverse consequences**

NADRA processes should be simplified to ensure transgender persons can obtain and update CNICs without delays, harassment, or loss of associated rights (including inheritance and financial access).

**5. Create viable livelihood pathways to reduce exposure to policing**

Government employment schemes, quotas, and social protection programmes should prioritise transgender persons to reduce dependence on precarious or criminalised survival strategies.

**6. Ensure equal access to public services without discrimination**

Transgender persons should be able to access healthcare, education, and welfare schemes on equal terms, without exclusion, ridicule, or refusal of service.

**7. Protect property and inheritance rights in practice**

Legal recognition frameworks should not undermine access to family property or inheritance, and safeguards should be introduced to prevent economic exclusion.

**8. Increase representation within state institutions**

Dedicated positions and inclusion of transgender persons within police stations and public offices should be introduced to improve institutional responsiveness.

**9. Shift policing approaches from punishment to referral and support**

Encounters involving transgender persons, particularly in the context of begging or street-based work, should prioritise referral to social welfare services rather than punitive enforcement.

**10. Recognise dignity as a baseline standard across all state interaction**

All state institutions should treat transgender persons as equal citizens, with dignity and respect embedded as a non-negotiable standard in law enforcement and public service delivery.

## **4. Implementation Gaps in the Protection Framework**

Despite a progressively developed legal and policy framework, there is a persistent and systemic failure to translate formal protections into meaningful safeguards for transgender persons. The gap is not one of legal recognition, but of enforcement, accountability, and accessibility.

### **4.1 Non-binding Standards and Regulatory Gaps**

Although draft guidelines developed by the Ministry of Human Rights set out detailed safeguards for arrest, search, detention, and custodial care, these remain non-binding. In practice, this gap allows routine violations of dignity and bodily integrity.

Interview data shows widespread practices that are explicitly prohibited under these guidelines, including forced stripping, invasive searches, sexual coercion, and degrading treatment in custody. This indicates that, without enforceable rules, police discretion continues to operate unchecked at the point of contact.

### **4.2 Criminalisation of Poverty Despite Non-Discrimination Guarantees**

While the Transgender Persons (Protection of Rights) Act, 2018 prohibits discrimination, policing practices continue to target transgender persons engaged in survival-based livelihoods. Thirteen respondents reported facing harassment from law enforcement authorities in public spaces, often linked to assumptions of begging or informal work.

These encounters frequently escalated into detention, extortion, or abuse. This reflects a fundamental contradiction between formal guarantees of equality and policy approaches, such as “elimination of social evils” initiatives, that legitimise heightened surveillance of already marginalised communities.

### **4.3 Failure to Operationalise Anti-Torture Protections**

The Torture and Custodial Death (Prevention and Punishment) Act, 2022 criminalises torture, including acts carried out for discriminatory purposes. However, interview findings indicate the routine occurrence of conduct, physical assault, sexual violence, forced nudity, and extortion, that falls squarely within the scope of its prohibitions. These represent clear violations of the Act’s core provisions. The persistence of such practices points to a failure in implementation and enforcement as well as limitations in how the legal framework is translated into practice.

This gap is further reflected in the absence of documented accountability. Despite the gravity of the abuses described, there is little evidence of investigations being initiated, prosecutions being pursued, or disciplinary action being taken against responsible officials. In practice, the

Act's protections are neither functioning as a deterrent nor translating into meaningful consequences for violations against transgender persons.

Several structural factors contribute to this failure. First, reporting mechanisms remain inaccessible and compromised, particularly where complaints must be routed through the same police structures implicated in the abuse. Moreover, victims face significant barriers to pursuing complaints, including fear of retaliation, lack of documentation, and distrust in institutional processes. As a result, violations that meet the legal threshold of torture are instead normalised within routine policing practices.

Taken together, these findings indicate that the legal prohibition of torture has not been operationalised in a way that constrains everyday police behaviour. Without effective enforcement mechanisms and independent complaint pathways, the protections contained in the 2022 Act remain largely symbolic for transgender persons.

#### **4.4 Inaccessible and Compromised Complaint Mechanisms**

Although Section 18 of the TPPRA 2018 provides for complaints to bodies such as the NCHR and NCSW, these mechanisms remain ineffective in practice. Institutions lack the capacity, training, and sensitisation required to respond to transgender-specific complaints, particularly those involving abuse and mistreatment.

In addition, reporting pathways remain embedded within police-controlled systems, creating a structural conflict of interest: victims are required to seek redress from the same institution implicated in abuse.

Interview data underscores this barrier. Eight respondents reported a complete lack of trust in complaint systems, while those who attempted to file complaints described suppression, inaction, or demands for bribes. The result is a de facto denial of remedy, reinforced by fear of reprisals and chronic underreporting.

#### **4.5 Breakdown of Protection before, during, and after custody**

The failure of protection extends beyond isolated custodial incidents and reflects a broader continuum of institutional breakdown. The interviews also show that the problem is not limited to moments of detention.

Respondents reported:

- refusal to register FIRs when seeking protection as victims;
- escalation of routine encounters into unlawful detention; and
- absence of redress following abuse.

This demonstrates that existing frameworks fail at multiple stages, preventive protection, regulation of detention, and post-incident accountability, rather than at a single point.

These practices violate domestic legal obligations, including the requirement under the Code of Criminal Procedure, 1898 (Section 154) mandating the registration of FIRs upon receipt of information relating to a cognisable offence, as well as constitutional guarantees of due process and personal liberty under Articles 9 and 10 of the Constitution of Pakistan. These findings

indicate that existing frameworks fail at multiple points, preventive protection, regulation of detention, and post-incident accountability, rather than at a single stage, resulting in a systemic denial of protection and remedy for transgender persons.

#### **4.6 Limitations of Service Delivery Mechanisms**

Institutional initiatives such as Tahaffuz Markaz and Police Khidmat Markaz are intended to provide integrated support services. However, community accounts from JPP's interviews suggest that these mechanisms are not perceived as safe or effective avenues for addressing police abuse.

Interviews with Victim Support Officers (VSOs) highlight structural and operational constraints, including:

- concerns around confidentiality breaches;
- limited training in criminal procedure;
- lack of private spaces for sensitive consultations; and
- staffing and resource limitations.

VSOs also noted that complaints are ultimately channelled through ordinary police processes, raising questions about the ability of these mechanisms to function as independent and trusted avenues for redress in cases involving police abuse.

#### **4.7 Structural Exclusion and Heightened Exposure to Abuse**

Legal protections exist, but transgender persons continue to face structural exclusion. They face entrenched barriers in education, employment, and housing, with many leaving school early and having limited access to stable livelihoods. As reflected in the interviews, 12 respondents relied on informal or survival-based sources of income.

These conditions lead to frequent exposure to public space policing, increasing routine contact with law enforcement and, in turn, vulnerability to abuse. The legal framework does not sufficiently account for how these socio-economic realities shape patterns of policing and risk. Without parallel socio-economic interventions, legal protections remain reactive and limited in effect.

#### **4.8 Conclusion: A Failure of Implementation and Access**

Taken together, these findings demonstrate that existing protections, including the Transgender Persons (Protection of Rights) Act, provincial policy measures, and the Torture and Custodial Death (Prevention and Punishment) Act, 2022, remain ineffective in practice. Legal recognition has not been translated into enforceable, trusted, and accessible safeguards. What is required is a coherent framework that governs police conduct, ensures independent and effective complaint mechanisms, and addresses the structural conditions that increase vulnerability to abuse.

*fear of reprisals*

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*lack of trust*

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*underreporting*

*complaints systems often do  
not function in practice*

## **Policy Recommendations**

### **1. Convert Existing Police Guidelines into Binding Operational Protocols**

- The Draft Guidelines for Police Engagement with Transgender Persons (2020) should be formally adopted as binding standing orders under provincial police rules. These should cover arrest, detention, search, cell placement, medical care, and respectful treatment.
- The rules should explicitly prohibit forced stripping, invasive searches to determine sex or gender, confiscation of gender-affirming items, and placement decisions that ignore detainee safety.
- Provincial police authorities should incorporate these standards into Police Orders, SOPs, and station-level instructions. Compliance should be monitored through the NCHR's detention oversight functions.

### **2. Operationalise Section 18 of the TPPRA through Institutional Linkages**

- Section 18 complaint mechanisms should be made functional through formal coordination between the NCHR, NCSW, and provincial police and prosecution authorities.
- As part of this coordinated framework, dedicated transgender complaint focal points should be established across these institutions, with clear referral pathways from Police Khidmat Markaz and Tahaffuz Centres. Police stations should be required to forward all complaints involving transgender persons through this system to ensure independent oversight.
- The NCHR's existing torture complaint mechanism should also be operationalised within this framework to ensure that all cases of custodial torture are systematically received and processed.

### **3. Address Structural Gaps in Khidmat and Tahaffuz Markaz**

- Khidmat Markaz and Tahaffuz Centres should be strengthened to function as safe and effective complaint and support mechanisms for transgender persons.
- Staff at these centres, including Victim Support Officers, should receive mandatory training and sensitisation delivered by the NCHR on handling complaints from transgender persons, particularly in cases involving abuse, violence, and police misconduct.
- Confidentiality protocols must be established and enforced. Complaints should be recorded and handled in a manner that prevents disclosure to police officials, especially

where the complaint concerns police abuse. This should include secure data handling, private intake processes, and clear accountability for breaches of confidentiality.

- Clear referral pathways must also be institutionalised. In cases involving allegations of torture or custodial abuse by police, complaints should be automatically referred to the Federal Investigation Agency (FIA), in line with its legal mandate. Dedicated FIA focal points or units should be established to receive such complaints, and staff at Khidmat and Tahaffuz Centres should be trained on these procedures.

These measures are necessary to ensure that existing service delivery mechanisms function as independent, trusted, and accessible avenues for redress.

#### **4. Integrate Training into Existing Police and Judicial Training Systems**

- Training on transgender rights and anti-torture safeguards should be embedded within existing police and judicial training systems, rather than delivered as standalone sessions.
- This should include:
  - mandatory inclusion in Police Training Colleges and in-service training for all ranks;
  - integration into judicial academies, particularly for magistrates overseeing remand and custody.
  - Training should be linked to accountability, with certification required for postings in investigation and custodial roles.
- Existing UNCAT-compliant training programmes should be institutionalised and scaled up. This includes adopting standardised manuals and integrating certified courses—such as the NCHR’s e-course on Prevention of Torture for Public Officials—into mandatory training across all provinces and relevant institutions.<sup>25</sup>

#### **5. Create Inter-Agency Coordination Mechanisms on Poverty and Policing**

- To reduce the over-policing of transgender persons engaged in survival-based livelihoods, coordination mechanisms should be established at the district level between the NCHR, police, Social Welfare Department, Labour Department, and NADRA.
- These mechanisms should focus on identifying individuals repeatedly exposed to police action and connecting them to existing state services, including identity documentation, social protection schemes, shelter, and livelihood support.
- Enforcement approaches targeting “beggary” and related activities should not result in detention or penal action, and should instead prioritise referral to support services.

#### **6. Strengthen Oversight of FIR Registration**

- Mechanisms should be established to ensure oversight of FIR registration in cases involving transgender complainants. Khidmat Markaz and Victim Support Officers

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<sup>25</sup> Justice Project Pakistan (JPP) and National Commission for Human Rights (NCHR), *Prevention of Torture: Training Manual for Public Officials* (2025), accompanied by an e-course available at:[https://e-course.jpp.org.pk/login/?redirect\\_to=https%3A%2F%2Fe-course.jpp.org.pk%2F](https://e-course.jpp.org.pk/login/?redirect_to=https%3A%2F%2Fe-course.jpp.org.pk%2F)

should be able to escalate refusals to register FIRs through the coordinated complaint system, including to senior police officers and the NCHR.

- FIR registration rates in cases involving transgender persons should be tracked as part of district-level performance monitoring to identify patterns of refusal and ensure accountability.

## **7. Improve Confidentiality and Data Protection**

- Confidentiality and data protection protocols should be established and enforced within Khidmat Markaz and Tahaffuz Centres, including strict limits on sharing identity information, particularly in cases involving police complaints.
- These safeguards should be integrated into police IT systems and complaint registers to ensure secure handling of sensitive data.
- Designated officers should be made responsible for data protection compliance, with clear accountability and disciplinary consequences for breaches.

## **8. Amend the Torture and Custodial Death (Prevention and Punishment) Rules, 2025 to Strengthen Independence, Safeguards, and Procedural Clarity**

- Rules under the Torture Act 2022, should be amended to ensure investigations are independent, effective, and compliant with international standards.
- Institutional independence must be ensured by removing conflicts of interest, including prohibiting serving police officers from investigating allegations against law enforcement, with clear supervisory oversight by the NCHR.
- Complaint handling and investigation procedures should be standardised, including mandatory registration of complaints, clear referral pathways to criminal investigation, limits on the use of preliminary inquiries, and time-bound case progression.
- Safeguards should be strengthened through Istanbul Protocol-compliant medico-legal standards, gender- and vulnerability-sensitive procedures, and mandatory reporting on complaints, investigations, and outcomes to ensure transparency and accountability.

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