

5. **Prohibition against harassment.**—Harassment of transgender persons, as defined in this Act, both within and outside the home, based on their sex, gender identity and gender expression is prohibited.

#### CHAPTER IV

##### OBLIGATIONS BY THE GOVERNMENT

6. **Obligations of the Government.**—The Government shall take following steps to secure full and effective participation of transgender persons and their inclusion in society, namely:—

- (a) establish protection centers and safe houses to ensure the rescue, protection and rehabilitation of transgender persons in addition to providing medical facilities, psychological care, counseling and adult education to the transgender persons;
- (b) establish separate prisons, jails, confinement cells, etc for the transgender persons involved in any kind of offence or offences;
- (c) institute mechanisms for the periodic sensitization and awareness of the public servants, in particular, but not limited to, law enforcement agencies and medical institutions, relating to the issues involving the transgender persons and the requirement of protection and relief of such persons;
- (d) formulate special vocational training programmes to facilitate, promote and support livelihood for transgender persons;
- (e) encourage transgender persons to start small business by providing incentives, easy loan schemes and grants; and
- (f) take any other necessary measures to accomplish the objective of this Act.

#### CHAPTER V

##### PROTECTION OF RIGHTS OF TRANSGENDER PERSONS

7. **Right to inherit.**—(1) There shall be no discrimination against transgender persons in acquiring the rightful share of property as prescribed under the law of inheritance.

(2) The share of transgender persons shall be determined as per the gender declared on CNIC in accordance with the law of inheritance in Pakistan.

(3) The share of inheritance for transgender persons will be as follows:—

- (i) for transgender male, the share of inheritance will be that of man;
- (ii) for transgender female, the share of inheritance will be that of woman;
- (iii) for person who has both male and female or ambiguous characteristics, such as their state is difficult to determine upon birth, following shall apply:—
  - (a) upon reaching the age of eighteen years, if the person's self-perceived gender identity is transgender male, the share of inheritance will be that of man;
  - (b) upon reaching the age of eighteen years, if the person's self-perceived gender identity is transgender female, the share of inheritance will be that of woman;
  - (c) upon reaching the age of eighteen years, if the person's self-perceived gender identity is neither transgender man nor transgender woman, the share of inheritance will be an average of two separate distributions for a man and a woman; and
  - (d) below the age of eighteen years, the gender as determined by medical officer on the basis of predominant male or female features.

8. **Right to education.**—(1) There shall be no discrimination against transgender persons in acquiring admission in any educational institutions, public or private, subject to fulfillment of the prescribed requirements.

(2) All educational institutions shall provide education and opportunities for sports, recreation and leisure activities without any discrimination and on an equal basis with others.

(3) The Government shall take steps to provide free and compulsory education to transgender persons as guaranteed under Article 25A of the Constitution of the Islamic Republic of Pakistan.

(4) It is unlawful for an institution, whether private or public, to discriminate against a person on the ground of person's sex, gender identity and gender expression, including but not limited to,—

- (a) in determining who should be offered admission; or
- (b) in the terms or conditions on which admission is offered; or
- (c) by denying the person's access, or limiting the person's access, to opportunities, training or to any other positive externalities associated with the education; or
- (d) by denying access to appropriate student facilities based on a person's sex, gender identity and expression.

9. **Right to employment.**—(1) The Government must ensure the right to enter into any lawful profession or occupation and to conduct any lawful trade or business for the transgender persons as guaranteed under Article 18 of the Constitution of the Islamic Republic of Pakistan.

(2) No establishment, institution, department, organization, shall discriminate against any transgender person in any matter relating to employment including, but not limited to, recruitment, promotion, appointment, transfer and other related issues.

(3) It shall be unlawful for an employer to discriminate against an employee on the ground of his sex, gender identity or gender expression,—

- (a) in determining who should be offered employment; or
- (b) in the terms or conditions on which employment is offered; or
- (c) by denying the employee access, or limiting the employee's access, to opportunities for promotion, transfer or training or to any other benefits associated with employment; or
- (d) by dismissing the employee; or
- (e) by subjecting the employee to any other detriment.

10. **Right to vote.**—No transgender person shall be deprived of his right to cast a vote during national, provincial and local government elections:

Provided that the access to polling stations shall be determined according to the gender declared on the CNIC of a transgender person.

11. **Right to hold public office.**—(1) There shall be no discrimination on the basis of sex, gender identity and gender expression for transgender persons if they wish to contest election to hold public office.

12. **Right to health.**—The Government shall take the following measures to ensure non-discrimination in relation to transgender persons, namely:—

- (a) to review medical curriculum and improve research for doctors and nursing staff to address specific health issues of transgender persons in cooperation with PMDC;
- (b) to facilitate access by providing an enabling and safe environment for transgender persons in hospitals and other healthcare institutions and centers;
- (c) to ensure transgender persons access to all necessary medical and psychological gender corrective treatment.

13. **Right to assembly.**—(1) The Government must ensure the freedom of assembly for transgender persons in accordance with Article 16 of the Constitution of the Islamic Republic of Pakistan.

(2) The Government must take steps to ensure appropriate safety measures for transgender persons.

(3) No discrimination shall be made on the basis of person's sex, gender identity and gender expression subject to reasonable restrictions imposed by law in the interest of public order.

14. **Right of access to public places.**—(1) No transgender person shall be denied access to public places, places of entertainment or places intended for religious purpose solely on the basis of his sex, gender identity or gender expression.

(2) The Government must ensure transgender persons' access to public places in view of Article 26 of the Constitution of the Islamic Republic of Pakistan.

(3) It shall be unlawful to prevent transgender persons to access facilities available for access of general public and public places mentioned in sub-section (1).

15. **Right to property.**—(1) No transgender person shall be denied right to purchase, sell, rent or lease property, household or tenancy on the basis of sex, gender identity or gender expression.

(2) It shall be unlawful to discriminate any transgender person with regards to renting, subletting or tenancy on the basis of his sex, gender identity or gender expression.

16. **Guarantee of fundamental rights.**—(1) In addition to rights mentioned in this Chapter, fundamental rights mentioned in Part II of Chapter I of the Constitution of the Islamic Republic of Pakistan shall be available unequivocally for every transgender person.

(2) It shall be the duty of the Government to ensure that the fundamental rights mentioned in sub-section (1) are protected and there shall be no discrimination for any person on the basis of sex, gender identity or gender expression.

17. **Offences and penalties.**—(1) Whoever employs, compels or uses any transgender person for begging shall be punishable with imprisonment which may extend to six months or with fine which may extend to fifty thousand rupees or with both.

## CHAPTER VI

### ENFORCEMENT MECHANISM

18. **Enforcement mechanism.**—In addition to the remedies available under the Constitution or The Pakistan Penal Code 1860 (Act XLV of 1860), the Code of Criminal Procedure, 1898 (Act V of 1898) or the Code of Civil Procedure 1908 (Act V of 1908), the aggrieved transgender person shall have a right to move a complaint to the Federal Ombudsman, National Commission for Status of Women and National Commission of Human Rights (NCHR) if any of the rights guaranteed herein are denied to him or her.

## CHAPTER VII

### MISCELLANEOUS

19. **Act having over-riding effect to any other law.**—The provisions of this Act shall have an over-riding effect on any other law for the time being in force.

20. **Power of Government to make rules.**—The Government may, by notification, make rules for carrying out the purposes of this Act.

21. **Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the Government may make such order or give such directions, by order published in the official Gazette, or make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.