

## **Designing a Framework for Peaceful Resolution of Transgender Violence in Pakistan**

By

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### **Abstract**

*Gender-based violence and transgender harassment are prevalent social issues in Pakistan, with the term "Hijras" being used to describe the transgender community. They are often stereotypically viewed as shameful and disgraced, and their lives are impacted by issues such as HIV-AIDS, sexual abuse, rape, drug abuse, beggary, suicidal thoughts, and psychological unrest. Although government recognition of the transgender community has been made, the implementation of these laws and ordinances is slow. This study aims to address these unreported and under-covered problems by interviewing transgender community, analyzing case studies, and conducting in-depth interviews with academic and civil society experts. Professionals from various institutions are also interviewed to gain their views on a possible peace framework for the transgender population. The study's findings aims to provide future prospects at social, legal, religious, and political levels.*

### **Key Words**

Transgender, Violence, Peace framework

## **1. INTRODUCTION**

The term transgender, often known as third gender, refers to people whose gender identity or expression differs from the norms associated with the gender they were born with. This word also refers to the various orientations of bisexual people who are defined as males, females, neither, or someone who does not fit into any of the gender categories. Although there is no commonly accepted definition of

transgender, most scholars include lesbians, gay men, bisexuals, and transgender (LGBTs) in the same category. Therefore, a gender queer is “a term that refers to individuals who ‘queer’ the notions of gender in a given society.”[1]

The focus of this study is ‘Hermaphrodites’. Hermaphroditism is a condition in which a person has both male and female reproductive organs. Transgender people face a variety of issues around the world, but in the third biosphere, particularly in Pakistan, they are particularly prone to issues compared to people in other parts of the world. In Pakistan, transgender are facing dissimilar kinds of discrimination and problems which also contain violence at a greater level. According to Michelraj (2015), transgender people, also known as "KhwajaSiras" or “Hijra” in the subcontinent, have deep roots that go back centuries earlier in the Mughal era. Throughout the Mughal era, they had unrestricted mobility. Regarding the Islamic world, they were entrusted with maintaining the Haram, offering political counsel, and securing the holy sites, particularly those in Macca and Madina (the Holy towns of Islamic culture).

According to Khan (2014), Khwajasiras' conditions deteriorated in the eighteenth century. They were excluded from society since the British government forbade them from being granted certain rights. They were in contradiction of the respect and importance given to “*Hijras*” in the Imperial Courts. With the arrival of British administrators, their helplessness also amplified with time[2].

According to British rule, clause 377 of the 1860 Penal Code, declared the ban on homosexual associations and made “offensive acts and songs” a crime by clause 294. The clause (377) for transgender populations of the Penal Code 1860 was a shock that resulted in social exclusion, alienation, and shame [3].

In South Asia, the transgender subculture is primarily referred to as the "hijra" community, whereas in Pakistan, the term "Khwaja Sira" is more appropriate. Their history dates back as far as history itself in the South Asian subcontinent. But as the patriarchal society grew stronger and the system progressively became more industrialized and urbanized, their fundamental rights were disregarded. Nonetheless, the Acts about their legal status, protection, and inheritance rights have been initiated in recent years. The first such program was started in 2007 by the Supreme Court of Nepal, and it was continued in 2009 by the Supreme Court

of Pakistan, in 2013 by Bangladesh, and in 2014 by India. Despite the laws and acts made for their basic rights and security as humans, no action or implementation has yet to confirm that this community is safe, secure and not vulnerable in case of their respect and lives [4].

### ***Transgender violence in Pakistan***

The difficulties that the transgender population faces include social isolation of young transgender people, stigmatization, misinformation, demoralization, marginalization, disrespectful media presentation, and greater incidence of violence. They had experienced rejection from the media, their own families, friends, workplaces, schools, and religious communities. At every stage of their lives, individuals encounter discrimination of some form, if not outright rejection. According to Pakistani intelligentsia, discrimination occurs not only in the form of social treatment, devoid of respect but also in institutional settings, where parents' approval and medical certificates are allegedly formal criteria that prevent them from even being granted national identity cards.

They are also the victims of gang rapes and even subjected to physical or psychological abuse at the hands of other members of the society. Among these, health issues such as documented cases of urinary region infections in patients who experienced male-to-female sex transfer surgery, as well as breast cancer and osteoporosis cancer in those who used female hormones were common. Health issues that affect both men and women could include endometrial cancer in individuals who have not had surgery, as well as diabetes, cardiovascular disease, and liver illness. It is discovered that transgender women experience economic prejudice more frequently than transgender men. Prejudicial behaviour continues at health-related facilities and centres, preventing individuals from leading healthy lives and putting them at risk for untreated mental and physical health problems.

Gender-based differences, issues and violence against the transgender community have often been overlooked by global activists. These issues affect society's stability and require cultural and societal changes, as well as policies for the third gender rights and their protection. A 2016 study by Weir found that transgender participants have a negative perspective on law implementation and do not prefer

to report incidents to the police force. The United Nations and other international NGOs should recognize their prejudicial activities and self-perception about sexual differences and gender direction, and ensure equal participation in programs related to the third-gender community. Discrimination against transgender individuals may be due to ignorance about their rights and reality.

### **Research Question**

1. What are the obstacles and difficulties in cultural acceptance of transgender community in Pakistan?
2. How violence towards transgender people can be avoided in Pakistani society?
3. How to establish a peace framework to avoid violence and discrimination against transgender?

## **2. REVIEW OF LITERATURE**

According to Johnson (2011), Transgender people confront discrimination and prejudices in both their social and economic lives. Even in the United States, many transgender individuals in positions of authority are forced to quit. These resignations primarily happened in private, communal, and educational settings. These resignations raise questions about social equality initiatives.

In 2007, a Lecturer and Assistant Dean at Spring Arbor University was compelled to resign because he was transitioning to another gender. Despite being one of the most influential and well-known scholars, he was fired solely because he changed his gender. This case clearly illustrates the types of problems and challenges that the transgender population faces all around the world. They are denied the most basic human rights necessary for their survival. Johnson underlined the importance of spreading accurate information regarding transgender rights and individuality. He claims that today's literature focuses solely on society, culture, civilization, and women. Tran's genders are always denied any portrayal in social literature. There is a terrible need to make people conscious of the basic rights of Tran's genders through art and literature [5].

It is apparent on some level that the transgender community confronts more violence than the general population. However, transgender persons avoid

reporting to the police because of the police's hostile attitudes and reputation toward them. Most law enforcement agencies and legal departments discriminate against transgender persons. The majority of violent incidents against transgender individuals go unreported because transgender people have a negative impression of the police. Transgender persons do not disclose their exploitation to the authorities because they believe that it will worsen the situation and, rather than receiving help, they will be victimized by trauma and violence. In 2013, the SCP (The Supreme Court of Pakistan) ruled that transgender people have the same constitutional rights as other Pakistani citizens. The federal and provincial governments were instructed to ensure equal rights in all spheres, including education, inheritance, and work prospects. During this time, some transgender people gained experience working in various government departments. Similarly, the SCP's third sex representation ruling also allowed them to vote. Even they contested the elections in the year 2013[6].

Transgender individuals require strategies to overcome violent acts and ensure their security. This includes accountability, facilitating law-making departments to eradicate false cases against transgender individuals, and strengthening organizations and Trans movements. Political will is needed to make other departments sensitized and provide judicial guidance. International Human Rights Goals, such as the United Nations standards and reviews, should be used to highlight major issues and anti-trans attitudes. Ensuring rights for property, employment, life security, education, and other facilities is essential for living. Transgender communities are often unacknowledged as legal citizens in countries like Mexico and Malaysia. Acceptance of their gender provides them with basic rights, including health and protection from HIV. If rights are ignored, they face difficulties accessing basic healthcare and facilities. The state should care about their health. Counselling is crucial for the transgender community, as they face discriminatory behaviour and problems such as mental disorders, trauma, anxiety, and violent behaviour. Psychologists and medical professionals can play a vital role in providing better knowledge and support for the transition process. However, a lack of knowledge and understanding is still evident about the psychological and personal needs of transgender individuals.

### 3. THEORETICAL FRAMEWORK

#### **Galtung's Violence and Peace Perspective.**

It's important to talk about the predicament facing transgender people in Pakistan now. As a marginalized community, they generally are in conflict with the society on some level. The transgender population in Pakistan can benefit from the application of Galtung's theory of conflict. The three conflict variables that Galtung mentions apply to the Hijras (transgender people), and they face all of these kinds of conflicts. In contemporary society, there is a cultural lack of regard for the third gender. In actuality, they are made fun of, ridiculed, and denigrated verbally. People in our society, especially those from households without formal education are brainwashed to believe that transgender persons are worthless and should not be engaged into conversation. However, this is something that our society has ingrained in us, leading to attitudes among people that produce cultural conflict. One prevalent instance of conflict resulting from societal members' preconceived notions is sexism and gender discrimination.

The third gender in Pakistan, unfortunately is not respected in society, with mockery, ridicule, and abuse. This cultural discrimination, particularly from illiterate families, leads to societal conflict and prejudice. Sexism and gender discrimination are common, with people taunting and hooting transgender individuals. Transgender in Pakistan face structural issues, such as discrimination in family, education, employment, religious ideology, and property rights. In recent years, the transsexual community has been given voice and rights, using peacemaking strategies to overcome these challenges. Direct violence, as described by Galtung's theory, is a significant issue in Pakistan, with many cases of murder, rape, assault, captivity, and honor killings. The cultural concept of disrespect for transgender individuals internalizes into extreme behaviors, leading to direct violence against them. Peacekeeping is necessary to address this severe situation and ensure the respect and rights of the transgender community.

In conclusion, the third-gender community faces significant challenges at various levels, with marginalization and disrespect in every part of life. Regardless of legal acts and legitimized changes, peace strategies are not fully attained for their betterment and rights.

#### 4. RESEARCH METHOD

This study used a qualitative research technique to discover the actual situation of the transgender community in the country. Three research designs used by the researcher were explanatory, descriptive, and exploratory. Purposive and probability sampling was used to gather data from Gurus and Chaylas. Data was collected through in-depth interviews with transgender, using unstructured and semi-structured interviews. Key informants, such as older Hijras and professionals, were interviewed to gain insights into the community's culture and social adjustment. The study consists of five key informants from different backgrounds. Data collection involved interviewing senior Hijras, junior Hijras, and key informants. Interviews were conducted in Tench Bhata and Saddar localities of Rawalpindi. The qualitative analysis process involved a non-numerical interpretation of data, focusing on the major characteristics of Hijra respondents. This process included descriptive analysis, thematic analysis, familiarization of the data, transcription, coding, and indexing. Descriptive analysis was used with computer software to represent the distribution of characteristics like age, education level, ethnicity, and occupation. The thematic analysis used inductive and deductive methods, with the framework analysis tool used for thematic analysis. Themes were identified through charting and corresponding data from each interview. Thematic analysis is a popular technique in qualitative research for representing qualitative data in a comprehensible pattern.

##### *Limitation of the study.*

Their identity (real name, cast and racial identity) remained hidden

#### 5. RESULTS

##### *Identity of Transgender*

Hijras, who identify as women, undergo painful surgeries to enhance their aesthetics. They believe they have the body of a man but their soul is a woman. Some also claim to be bi-sexual, combining both identities. Their appearance reflects their desire to be beautiful and fragile, expecting others to call them

beautiful.

### ***Social life***

Hijras have a poor perception of society and its people. The majority believe that they are detested and held in low regard by others. They would rather not talk to them for longer than a minute or assign them with any tasks. Few people think well of them, acknowledge their brilliance, and don't judge them harshly.

### ***Social Exclusion***

They socialize with one another in their community, sharing their joys and sorrows as well as their activities. However, they are marginalized within society overall on a larger scale. They are more prone to experience marginalization in Pakistan during their entire lives. Being cut off from friends, family, and other loved ones makes people feel alone. They appear to be shut off from society's experiences and opportunities. They spend the remainder of their lives feeling alone and let down by this social marginalization.

### ***Lack of institutional participation***

The transgender community's primary need is the ability to participate in educational programs and employment prospects. But in a few prior years, political representation has also received attention. They believe that once they are granted political involvement, the fight for other rights will eventually end. Furthermore, since Pakistan's founding, no one has ever talked about the need for health care for them.

### ***Rejection from family, educational institutions and workplace***

Hijras in Pakistan face discrimination and societal pressures from childhood due to their gender identity. They are often scolded, beaten, and abused for not conforming to gender norms. Unidentified transgender individuals are at times forced to marry against their will or abandon their families, causing them to leave their homes and face insults and degradation. Many Hijras struggle to get an education, with many not even passing fifth grade. They have tried to get jobs, but are rejected multiple times. Despite the Supreme Court's decision to hire

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transgender individuals in government departments, only a few departments have limited vacancies. Hijras continue to work in stigmatized roles, leaving hope for survival.

### ***Transgender exploitation violence and abuse***

Physical violence, psychological violence, and cultural violence are predominant in Pakistan, where transgender individuals face abuse and discrimination. Physical violence involves bodily harm, such as hitting or pinching, while psychological violence involves controlling individuals to create fear or threats. Cultural violence, which is rooted in societal practices, often treats transgender individuals as punishment for sins committed by their parents. Economic violence occurs when society misuses their resources, preventing them from participating in educational and economic activities. Transgender individuals are often discouraged and mistreated by their peers, based on factors such as age, education, social and financial background. In Pakistan, transgender individuals face double discrimination and violence, as they are not considered normal members of society.

### ***Way forwards / prospects***

The transgender community in Pakistan faces discrimination and violence, necessitating a comprehensive approach encompassing social, cultural, legal, religious, and political objectives. Simultaneously implementing these initiatives will maximize benefits for society and the Hijras community, as there is currently no census data on the total Hijra population.

### ***Socio-cultural inclusion***

The fundamental component that needs to be changed nationwide is how the society and its members treat the transgender community. Individual's attitudes and behaviors are anti-transgender because of how they see and think about Trans individuals. The first goal is to educate the public about this underprivileged group and the rights they are entitled to. People should be conscious of their human

rights and the rights of minorities as citizens of a Muslim state. Welfare groups and other institutions should identify transgender people who work as prostitutes and should provide them with information about basic health care issues and HIV/AIDS possibilities. They shouldn't be treated disrespectfully, teased, or harassed in public.

As recommended by Chettiar (2015) [7], transgender children must be identified and treated appropriately. Institutions should discourage the pattern of abuse and violence against the hijra population.

### ***Legal initiative***

Transgender individuals in Pakistan should be delivered with identity cards with their third gender declared on them at a macro level. They should have legal rights such as opening bank accounts, voting in elections, and inheriting property. The Pakistan Penal Code currently promotes non-accepting social conditions for hijras, but there is a need for more attention to providing legal rights. The state should allow hijras to take one sexual identity and have legal rights to inherited property. Legal government centres should support hijras in property purchase, transition processes, and identification. A policy for their old age benefit should be made to give them financial support in their old age when there is no possibility for income for their survival [8]. Anti- discrimination laws should be implemented and enforced to prevent discrimination or violence based on gender or sexual orientation.

### ***Steps from Religious Scholars***

Spiritual leaders and religious scholars should address the rights of transgender individuals, including the affirmative attitude of maulvis, to socialize with normal people and transgender at a religious level. They should provide them with religious knowledge and rituals, and establish a special department to address religious issues and needs of the hijra community in Pakistan. Religious scholars should be duty-bound to also provide 'Fatwas' on transition and settling non-conforming gender orientation.

### ***Political Inclusion***

Transgender participation in policymaking and politics began in the 2013 general elections, with the hijra community voting and gaining representation. This trend demonstrates their interest in political and developmental concerns, and their potential to contribute to Pakistan's socio-economic and developmental processes. However, a scrutinized process is needed to admit the capable transgender population in political affairs, as they can creatively contribute to the country's development and provide a new labor market domain.

### **Peace Framework and Galtung's Model of Conflict**

In the late 1960s, Johan Galtung introduced a significant conflict model. He contended that the triangle method might be used to illustrate conflict.

**(A)Attitude** It describes the perceptions and misconceptions of opposing parties. It may be beneficial or negative. Attitude is influenced by emotions such as anxiety, frustration, bitterness, and hatred. In a situation of conflict, parties degrade stereotypes of each other.

**(B) Behavior:** It combines cooperation and coercion. These components are present during a conflict, without behavior. Without conduct and attitude, the structure of conflict remains latent.

**(C)Contradiction:** It describes the underlying conflict situation. This includes actual or perceived incompatibility of goal interests and conflicts of interest between opposing parties.

These responses related to the three strategies peace keeping, peace building and peace making. In the 1990s, this concept was associated with the ABC triangle distinction between cultural violence, structural violence, and direct violence. Direct violence can be prevented by modifying one's behaviour. By resolving contradictions, systemic violence can be eliminated. Cultural violence has the potential to affect people's attitudes. Galtung also discusses the concepts of positive and negative peace. Negative peace occurs when direct violence is removed from society, whereas positive peace is maintained by the removal of cultural violence.

### **Designing a Framework for Peaceful ...**

Transgender individuals face violence and discrimination at several levels, including attitude, behavior, and contradiction. This violence extends to both direct and latent levels, and it is crucial to emphasize peace-keeping, peace-making, and peace-building for transgender. The hijra community in Pakistan is living in a miserable condition, marginalized, and facing abuse, violence, harassment, and discrimination. To improve their lives, welfare should be the secondary concern, and bringing them out of the cage of violence and negative perceptions about transgender should be the primary concern. Cultural violence plays a significant role in causing structural and direct violence against transgender individuals. Peace can be ensured by removing contradictions and changing emotions such as anger and hatred. Family institutions play a crucial role in re-socializing, rehabilitation, and acceptance of transgender individuals. Education is essential for overcoming stereotypes and prejudice against transgender individuals, and education policies can help reduce their miseries. Free education for marginalized communities, as well as the introduction of special scholarships and cotta, can help socialize transgender individuals. Economic security is another important factor in reducing violence against transgender individuals. Economic insecurity is the main reason for violence, and different employment opportunities should be provided in every field of life. Microfinance institutions can empower transgender individuals by offering loans for small businesses without interest and easy instalments. Practically technical and vocational institutions should provide skills to transgender individuals, making them independent and economically empowered [9]. Transgender individuals must also be re-serialized by official norms and values to survive in government and commercial institutions. Peer group coworkers can help guide transgender people in the workplace. Economic stability and empowerment can reduce the rate of crime committed by transgender individuals, as they are involved in illegal activities just for the sake of money. By providing justice and promoting economic stability, the transgender community can develop more peaceful conditions and contribute to a more inclusive society.

### **6. DISCUSSION AND CONCLUSION**

Transgender people face unique challenges in different societies and regions, with South Asian countries like India and Pakistan being particularly affected. In

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Pakistan, the term hijra is often associated with disrespect and a lack of affirmative thoughts about the community. Religion also plays a significant role in denying individuals the right to be male or female, as it is forbidden in Islam. Despite the Supreme Court's recognition of transgender individuals in Pakistan, cases of violence and sexual abuse persist. Hijras face physical, emotional, sexual, psychological, spiritual, cultural, verbal, financial, and negligence. They are forced to leave their families and join their community, where they are trained for various jobs, such as begging, dancing, and working as prostitutes. To address these issues, there is a need for policies promoting life security and social participation for the third-sex population in Pakistan. Law enforcement agencies should play a crucial role in providing rights and justice for violence and discrimination against hijras. The cooperation of social activists, media, educational institutions, government, religion, and police also plays a vital role in overcoming the harsh conditions and extreme violence against them. As a foundation for their security and opportunities might bring peace into their life.

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