



# Person's Election Manifesto & Charter of Demands 2018



## **TRANSGENDER PERSONS ELECTION MANIFESTO 2018**

### **RIGHT TO REPRESENT AND INCLUSIVE POLITICAL PARTICIPATION**

#### **BACKGROUND**

Respect, protection and fulfilment of human rights is key to ensuring the formation of a progressive, democratic, tolerant and peaceful nation. The fulfilment of fundamental rights of citizens is enshrined and safeguarded within the very first Chapter of the Constitution of the Islamic Republic of Pakistan. Articles 8 to 28 of the constitution provide details for the respect and protection of these fundamental rights. More importantly no laws may be formulated in contradiction to the spirit of these given rights, thus making them an inherent part of our legal system.

In acknowledgement of the mutually beneficial relationship between democracy and human rights and in realization of the critical socio-economic challenges faced by the country.

While we realize that consolidation of democracy is a continuous process, we also appreciate that any endeavor to strengthen democratic systems and ensure the rights of citizens must be considered within the preview of human rights. We believe that democracy and democratic governance can only flourish in a social and political environment where there is prevention of human rights abuses, equality, and participation is transparent and accountable in democratic decision making. Further the functioning and prosperity of our own political reforms and objectives cannot be met without an environment conducive for human rights.

We, the transgender and intersex community of Pakistan recalling that human rights are universal and shall apply to all individuals, and stressing therefore its commitment to guarantee the equal dignity of all human beings and the enjoyment of rights and freedoms of all individuals without discrimination on any ground such as sex, gender, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status demands ;

**Recognizing** that non-discriminatory treatment by state actors, as well as, where appropriate, positive state measures for protection against discriminatory treatment, including by non-state actors, are fundamental components of the international system protecting human rights and fundamental freedoms;

**Recognizing** that transgender and intersex persons have existed since centuries and are still subjected to intersexphobia, transphobia and other forms of intolerance and discrimination even within their family – including criminalization, marginalization, social exclusion and violence – on grounds of sexual orientation or gender identity, and that specific action is required in order to ensure the full enjoyment of the human rights of these persons;

**Bearing** in mind the principle that neither cultural, traditional nor religious values, nor the rules of a "dominant culture" can be invoked to justify hate speech or any other form of discrimination, including on grounds of sexual characteristics and gender identity ;

**Stressing** that discrimination and social exclusion on account of sexual orientation or gender identity may best be overcome by measures targeted both at those who experience such discrimination or exclusion, and the population at large,

**Recalling** the pledge of 'equality based citizenship' made by the founding father of Pakistan, Quaid-i-Azam, Muhammad Ali Jinnah,

**Revering** all struggles and sacrifices for inclusive and pluralist polity in the country, and

**Realizing** the need for imminent political and electoral reforms to ensure effective and expanded participation of sexual and gender minorities,

Recommends that Government of Pakistan:

1. Review the constitutional and legal instruments on the statute book that put gender variant minorities in a disadvantageous position and vulnerable situations.
2. Demonstrate political will and commitment to the empowerment of transgender and intersex community for participation in politics' by Protecting democratic rights for all through promotion of free and fair elections, open and inclusive opportunities for candidacy and ensuring implementation of political parties act.
3. Make viable efforts to make sure that transgender community is not left out in the electoral process not only as voters but also as candidates.

4. Political parties as the agency of interest articulation shall adopt 'inclusive culture' of political participation take tangible steps to mainstream transgender and intersex community in the party structures at the federal, provincial and local levels.

5. Affirmative actions shall be taken to support and facilitate the transgender community to directly contest constituencies in the elections for local, provincial and federal level democratic institutions.

6. Transgender community shall be given decision making and policy formulation positions in the governance structures including ministerial positions, and adequate representation in reforms committees like the Parliamentary Committee for Electoral Reforms.

7. Therein shall be guaranteed fundamental rights, including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality.

8. The systematic marginalization of transgender community must end, and political parties should encourage transgender community by including them in their party manifesto and giving them space in their parties.

9. Develop specific national and provincial transgender policies which addresses the concerns of the sexual and gender minorities of Pakistan. Build a partnership with the transgender community through education, employment and engagement (EEE) programs.

10. Create entry points for youth - not only as voters but as members of legislative houses.

11. Gender equality should be institutionalized within the party structures, processes and practices. A gender audit on yearly basis should be done to do the self-assessment.

12. Political parties should initiate a mentorship program to build the capacity of transgender political activists.

13. Must examine existing legislative and other measures, keep them under review, and collect and analyze relevant data, in order to monitor and address any direct or indirect discrimination on grounds of characteristics or gender identity.

14. The active promotion of equal rights and opportunities regardless of sexual characteristics or gender identity or expression should be a priority for provincial and federal governments in Pakistan.

15. Discrimination on the grounds of sexual and gender identity or gender expression is in violation of the basic principle of equal value and equal rights for all people. Such discrimination should be prohibited, explicitly or implicitly, under Pakistan laws and policies.

16. Ensure that legislative and other measures are adopted and effectively implemented to combat discrimination on grounds of sexual and gender identity, to ensure respect for the human rights of gender variant population and to promote tolerance towards them.

17. Ensure that victims of discrimination are aware of and have access to effective legal remedies and that measures to combat discrimination include, where appropriate, penalty for violation and the provision of adequate compensation for victims of discrimination.

18. Government should ensure effective, prompt and impartial investigations into alleged cases of crimes and other incidents, where the gender identity of the victim is reasonably suspected to have constituted a motive for the perpetrator; they should further ensure that particular attention is paid to the investigation of such crimes and incidents when allegedly committed by law-enforcement officials or by other persons acting in an official capacity, and that those responsible for such acts are effectively brought to justice and, where appropriate, punished in order to avoid impunity.

19. Government must take appropriate measures to ensure that victims and witnesses of sexual and gender identity related "hate crimes" and other hate-motivated incidents are encouraged to report these crimes and incidents; for this purpose, federal and provincial governments should take all necessary steps to ensure that law-enforcement structures, including the judiciary, have the necessary knowledge and skills to identify such crimes and incidents and provide adequate assistance and support to victims and witnesses.

20. Government should raise awareness among public authorities and public institutions at all levels of their responsibility to refrain from statements, in particular to the media, which may reasonably be understood as legitimizing such hatred or discrimination.

21. Public officials and other state representatives should be encouraged to promote tolerance and respect for the human rights of gender variant persons whenever they engage in a dialogue with key representatives of the civil society, including media and political organizations and religious communities.

22. Government should take appropriate measures to effectively protect transgender human rights defenders against hostility and aggression to which they may be exposed, in order to enable them to freely carry out their activities in accordance to the law and improve the protection of human rights defenders and promote their activities.

23. Government should ensure that Non-Governmental Organizations defending the human rights of transgender and intersex persons are appropriately consulted on the adoption and implementation of measures that may have an impact on the human rights of these persons.

24. Government should take appropriate measures to prevent restrictions on the effective enjoyment of the rights to freedom of expression and peaceful assembly resulting from the abuse of legal or administrative provisions, for example on grounds of public health, public morality and public order.

25. Government should ensure the establishment and implementation of appropriate measures, which provide effective protection against discrimination on grounds of gender identity in employment and occupation in the public as well as in the private sector. These measures should cover conditions for access to employment and promotion, dismissals, pay and other working conditions, including the prevention, combating and punishment of harassment and other forms of victimization.

26. Taking into due account the over-riding interests of the child, Govt should take appropriate legislative and other measures, addressed to educational staff and pupils, to ensure that the right to education can be effectively enjoyed without discrimination on grounds of gender identity and expressions; this includes, in particular, safeguarding the right of children and youth to education in a safe environment, free from violence, bullying, social exclusion or other forms of discriminatory and degrading treatment related to gender identity and expression.

27. Government should take appropriate legislative and other measures to ensure that the highest attainable standard of health can be effectively enjoyed without discrimination on grounds of sexual and or gender identity; in particular, they should take into account the specific needs of transgender persons in the development of national health plans health surveys, medical curricula, training courses and materials, and when monitoring and evaluating the quality of health-care services.

28. Government should take appropriate measures to ensure that transgender persons have effective access to appropriate gender reassignment services, including psychological, endocrinological and surgical expertises.

29. Measures should be taken to ensure that access to adequate housing can be effectively and equally enjoyed by all persons, without discrimination on grounds sexual and gender identity; such measures should, in particular seek to provide protection against discriminatory evictions, and to guarantee equal rights to acquire and retain ownership of land and other property.

30. Appropriate attention should be paid to the risks of homelessness faced by gender variant and intersex persons, including young persons and children who may be particularly vulnerable to social exclusion, including from their own families; in this respect, the relevant social services should be provided on the basis of an objective assessment of the needs of every individual, without discrimination.

31. Intersex-phobia, transphobia and discrimination on grounds of sexual and gender identity in sports are, like racism and other forms of discrimination, unacceptable and should be combated. Sport activities and facilities should be open to all without discrimination on grounds of gender identity; in particular, effective measures should be taken to prevent, counteract and punish the use of discriminatory insults with reference to gender identity during and expressions and in connection with sports events.

32. Government should ensure that national human rights structures are clearly mandated to address discrimination on grounds of sexual characteristics and gender identity; in particular, they should be able to make recommendations on legislation and policies, raise awareness amongst the general public, as well as – as far as national law so provides – examine individual complaints regarding both the private and public sector.

33. Government should prohibit medically unnecessary procedures on intersex persons, including children, without informed consent. It should protect intersex persons from discrimination, involuntary treatment, forced sterilization, and forced genital examinations. Intersex persons should be issued legal identity documents that reflect preferred gender and the government should ensure that intersex persons and organizations are consulted with regard to laws and policies that have an impact on their rights.

## **CHARTER OF DEMANDS**

### **Demands from Election Commission of Pakistan (ECP):**

- Election Commission of Pakistan (ECP) must familiarize itself with the barriers to political participation and public life for the transgender community in Pakistan and devise practical strategies for removing these barriers in the electoral process.
- Consultation mechanism between the ECP and the national, provincial and district level transgender rights groups should be strengthened and used consistently.
- ECP must Revise electoral and relevant legal frameworks for Tran's inclusion and develop accessible and inclusive voter education and information keeping in view the ground realities of transgender citizens of Pakistan.
- Train election commission officials on gender inclusive elections and utilize election monitoring and observation to support inclusive elections.
- ECP should ensure that there are accessible and responsive electoral complaints systems.
- ECP should develop standards and guidelines for the accessibility of registration and polling centers.
- ECP should ensure that the site selection of registration and polling centers takes into account all aspects of accessibility for transgender persons and other vulnerable groups such as people with disabilities, old age persons, pregnant women and others.
- ECP should take into account that issues and decisions that are important to transgender persons are properly heard and action is taken.
- Taking into account the poverty level of the transgender community the Election commission should reduce nomination paper cost for a transgender candidate as an affirmative action.

- ECP should hire educated transgender community among the polling staff to give a message of inclusion.
- Election Commission must immediately take notice and action against the harassment of any transgender candidate and voter during campaigning or electoral process.
- The information and communication packages of ECP must be Trans inclusive.
- Special campaigns must be organized to educate transgender voters with a special focus on first time young transgender voters.
- Ensure that candidates nominating themselves for the election don't have to go through moral or religious policing.
- Ensure that transgender community receives "right of priority voting" as promised in the Election 2017 Act Article 48 (a) and (b).
- The election code of conduct should include that any candidate showing transphobic behavior would be disqualified from contesting elections.
- Zero tolerance towards transphobia must be ensured during election campaigns and the electoral process.
- Provincial, regional and district election commissioner's offices must be sensitized and mobilized to engage with transgender persons, organizations, networks, and coalitions to ensure that the upcoming election is trans-inclusive.

**Demands from Law Enforcement Agencies:**

- Increase awareness about the transgender community in all public sectors, especially among law enforcement officials, so they are able to identify and respond to specific forms of discrimination experienced by transgender persons during election campaigning or electoral process.
- End impunity for acts of election based violence, whether committed by state or non-state actors and punish all forms of violence and discrimination, including the targeting of persons based on their gender identities and expressions.
- Adopt adequate regulations that ensure proper investigation and diligent prosecution of perpetrators of election based violations and establish judicial procedures that protect victims.
- Special sensitization sessions should be organized for police officials, including women police officers who will be deputed to perform election duties.
- Safety desk should be established at polling stations for immediate reporting and actions against any violence case.
- Helpline numbers (by Ministry of Human Rights) must be displayed at all polling stations so that any report of violence, abuse or discrimination could be reported and documented.
- Law enforcement agencies must perform their work without any pressure, prejudice, bias and discrimination with nonjudgmental approach.

### **Demands from Political Parties:**

- Political parties should play an important role by ensuring gender sensitive inclusive political outreach, education and think beyond gender binary approaches.
- All political parties should include transgender community in their election manifesto to make it inclusive and non-discriminatory.
- Political parties must explore the potential of transgender political activist and candidates.
- Political parties should recognize that transgender persons are an important pool of potential votes for political parties.
- Civic, social and political education by the political parties should portray transgender persons as part of the potential electorate and as politicians.
- The leadership of the political parties must come forward and ensure that transgender people are regularly consulted and take part in the design, implementation and monitoring of laws, policies and programs that affect them and are encouraged to join the party, run as candidates and vie for leadership positions within the party.
- Political parties must ensure that all party affiliates and members support transgender rights and include their issues in public talks, debates and at the floor of the legislative assemblies.
- Systematically invite transgender rights organizations and activists to be part of party consultations, hearings to create space for them.
- Political parties must establish transgender person wings to extend their outreach to transgender community as potential voters.
- The membership forms of political parties must contain a separate column for transgender persons.

- Reserve seats and quota should be allocated for transgender community so that they can be represented in the legislative bodies.
- Political parties must start mentorship program for young transgender activist to build their leadership skills and capacity.

### **Demands from Media and Civil Society:**

- Civil society should contribute in ending stereotyping towards the transgender community and reduced hostility and/or exclusion towards transgender and non-binary community in decision-making processes.
- Play a role in mainstreaming mechanisms for community engagement, whether local authority decision-making forums or formal consultations are able to promote the direct engagement of the transgender community.
- Partner with National Human Rights Institutions to collaborate in bridging the gap between civil society and the government.
- Initiate dialogue within civil society organizations, including youth organizations, movements, and networks that advocate for the rights of transgender persons to learn from their testimonies and experiences in public services, challenges and find solution to address these challenges.
- Identify systemic barriers to equality of citizens created by the implementation of particular laws and policies
- Become public champions who advocate for the rights and inclusion of transgender persons and encourage other popular figures and role models to do the same.
- Monitor the implementation of recently passed legislation and provincial human rights policies that advance equality and non-discrimination for the transgender community.
- Public awareness campaigns by civil society organizations should highlight the political rights of the transgender community to create acceptance and space for these rights.
- Education campaigns by civil society organizations should also target children so that they are exposed to positive images of transgender persons as engaged citizens.

- Teachers and other civic educators must be educated on policies and strategies for promoting the right of transgender persons to participate in the democratic processes at all levels.
- Civic education programs by CSOs must be made trans-inclusive, ensuring that the voice and image of transgender persons as participants in the democratic process is reflected.
- Civil Society should conduct voter education of transgender on issues of election access.
- Civil Society Organizations and media should make efforts to ensure transgender persons entry in the electoral process not only as a voter but as a candidate.
- Civil society should organize training workshops for transgender community to enhance their communication, political and leadership skills.
- Civil society should monitor and document issues faced by transgender persons as a candidate/Voter.
- Civil society should lobby for the reserved seats in provincial/national assembly/Senate/Local bodies.
- Media should use its potential and outreach to disseminate positive messages about and encourage positive dialogue with transgender persons and about their human rights and inclusion.
- Media should educate communities on the discrimination and stigma faced by the transgender community, group identity and expressions and initiate a dialogue to improve public perceptions of transgender community in Pakistan.
- Media must help engender positive views on the role that transgender community can and should play in society as leaders and decision makers.

- Materials used to disseminate information to children on civic responsibility and the political system should portray positive images of transgender persons, and should refer to transgender persons specifically as voters, politicians and active participants in the community and in decision-making.
- Civil Society and media should develop election monitoring tools that are inclusive of all genders.
- Media should highlight and promote transgender led political campaigns.

**Demands from UN agencies, INGOs and other development actors:**

- Initiate projects to explore the attitudes and perceptions of transgender and non binary persons towards participation in public and political life and the nature of demand among these groups to participate more.
- Based on the results of the 2018 general elections, explore the barriers to participation among transgender community and identify how to increase visible representation.
- Conduct research to explore how different forms of social capital can be nurtured within the transgender community, and how social capital can be harnessed to facilitate and aid greater levels of participation by transgender individuals and groups in different socio-cultural contexts of the different provinces in Pakistan.
- Support civil society organizations and government line departments to remove barriers, motivate the desire to participate and support the management of consequences resulting from participation as transgender persons should be documented and made available.
- Support government departments to better respond to the need of transgender community and show compliance to the recently enacted Transgender Persons (Protection of Rights) Act 2018 at provincial and national levels.



**T**he 2018 general elections presents a unique opportunity for Pakistan to continue its reform momentum and advance its democratic transition. TransAction along with its sister alliances has released "Transgender and Intersex Community Election Manifesto 2018" to put the issue on the political agenda before General Elections in Pakistan in 2018. There is some visibility in Pakistan on the issues faced by transgender and intersex community, which is a silver line. Still there is a long way to go and moving further will be more easy if there is enhanced political will.

[www.blueveins.org](http://www.blueveins.org)  
[contact@blueveins.org](mailto:contact@blueveins.org)



BlueVeinsPak



@BlueVeinsPak