

GENDER IDENTITY, RIGHTS, AND LAW: A CRITICAL AND COMPARATIVE EXAMINATION OF PAKISTAN'S TRANSGENDER PERSONS (PROTECTION AND RIGHTS) ACT, 2018 IN LIGHT OF US LAW, INTERNATIONAL FRAMEWORKS, AND ISLAMIC JURISPRUDENCE

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ABSTRACT

This paper provides a comprehensive critical review of Pakistan's Transgender Persons (Protection and Rights) Act, 2018 (TPPA 2018), examining its strengths, structural weaknesses, and implementation gaps. Drawing on comparative analysis with the United States' legal framework, particularly Title VII of the Civil Rights Act of 1964, as interpreted in Bostock v. Clayton County, 590 U.S. 644 (2020), and international benchmark legislation from Argentina, Denmark, and Malta, this research evaluates Pakistan's law in a global context. The paper further addresses the Act's compatibility with Islamic jurisprudence, exploring the classical Fiqh treatment of khuntha (intersex) and the concept of ijthad as a vehicle for rights-based harmonisation. Crucially, this research proposes a Family Protection Clause to address the acute problem of familial abandonment of transgender children, a lacuna in the current Act, supported by both legal reasoning and Islamic ethics. Recommended research topics and model legislative amendments are provided for scholars, policymakers, and legal practitioners.

Keywords: transgender rights; TPPA 2018; Islamic jurisprudence; gender identity; Federal Shariat Court; comparative law; family protection; Pakistan law reform; khuntha

1. INTRODUCTION

Pakistan occupies a paradoxical position in the global discourse on transgender rights. On one hand, it enacted what many international observers initially celebrated as one of the most progressive transgender protection laws in South Asia, the Transgender Persons (Protection and Rights) Act, 2018 (TPPA 2018). On the other hand, its social, legal, and institutional realities have left the community legally recognised but socially forsaken.

The TPPA 2018 was the culmination of nine years of judicial activism, grassroots advocacy, and parliamentary deliberation, following the Supreme Court of Pakistan's landmark 2009 orders that recognised transgender persons as full citizens entitled to dignity, security, and property rights (*Dr. Mohammad Aslam Khaki v. SSP Rawalpindi*, Constitutional Petition No. 43/2009). The Act extended gender recognition rights, prohibited discrimination across multiple sectors, imposed government obligations, and established enforcement mechanisms. [1, 17]

However, since its enactment, the Act has faced sustained challenges: religious opposition, attempts at legislative rollback, a Federal Shariat Court judgment in 2023 striking down key provisions, continued violence against the community, and near-total failure of implementation on the ground. As documented in field research in Karachi, most transgender individuals remained unaware of their rights, were not contacted by any government agency, and continued to face harassment and family abandonment.

This paper critically interrogates the Act across multiple dimensions: its text, its comparative weaknesses against US and international models, its uneasy relationship with Islamic jurisprudence, and the urgent need for a family protection clause that addresses parental abandonment, an issue the Act conspicuously ignores.

2. CRITICAL ANALYSIS OF THE TRANSGENDER PERSONS (PROTECTION AND RIGHTS) ACT, 2018

2.1 Strengths of the Act

The TPPA 2018 represents a genuine legislative milestone for several reasons:

- **Self-Perceived Gender Identity:** Section 3 recognises the right of transgender persons to be registered as per their self-perceived gender identity with NADRA, a principle aligned with international human rights standards at the time of enactment.
- **Comprehensive Non-Discrimination:** Section 4 prohibits discrimination across education, employment, healthcare, public spaces, property, voting, and public office a broad and substantive anti-discrimination framework.
- **Inheritance Rights:** Section 7 is innovative in its graduated approach to inheritance, mapping transgender identity onto the existing Islamic inheritance framework while providing for ambiguous cases through a mediated average.
- **Government Obligations:** Section 6 mandates the establishment of protection centres, vocational training, business incentives, and sensitisation programmes for public servants.

- **Override Provision:** Section 19 gives the Act an overriding effect over all other laws, signalling legislative priority.

- **Enforcement Mechanism:** Section 18 provides access to the Federal Ombudsman, National Commission for the Status of Women, and NCHR, offering multiple redress avenues.

2.2 Critical Weaknesses and Gaps

2.2.1 Definitional Confusion

Section 2(n) defines 'transgender person' as an umbrella covering intersex (khusra), eunuch, and persons whose gender identity differs from birth-assigned sex. Critics, including Redding (2019) and comparative Pakistani-Indian legal scholars, argue that conflating intersex (a biological condition) with transgender identity (a gender identity) creates definitional incoherence. The Islamic Fiqh Council has traditionally recognised khuntha (intersex) in a distinct legal framework; merging it with social gender identity creates jurisprudential tension that religious opponents of the law have exploited. [25]

2.2.2 Self-Perception Clause and Its Vulnerability

The self-perceived gender identity provision (Sections 2(f) and 3) was the Act's most progressive feature and its most contested. The Federal Shariat Court of Pakistan, in its May 19, 2023 judgment (108 pages), declared Sections 2(f), 3, and 7 inconsistent with Islamic injunctions, holding that the Quran recognises only sex assigned at birth and that self-identification of gender is contrary to Islamic precepts. Notably, Section 2(n) was *not* struck down. The Court struck down these provisions, effectively gutting the Act's recognition framework. Appeals are pending before the Supreme Court, which has suspended the FSC judgment's effect pending final determination; contested sections thus remain operative in the interim. This judicial invalidation demonstrates the structural vulnerability of the law to religious constitutional challenge. [18]

2.2.3 No Family Protection Clause

Perhaps the most glaring structural lacuna in the TPPA 2018 is the complete absence of any provision addressing familial abandonment. Research consistently shows that family rejection is the primary driver of the Khawaja Sira community's marginalisation. As documented by UNDP Pakistan (2024), transgender individuals are regularly abandoned by their families as young children and forced into guru-chela communities out of survival necessity. The Supreme Court's 2009 ruling had explicitly stated that families cannot deprive transgender individuals of inheritance by disowning them, yet the TPPA 2018 failed to create any enforceable provision against family abandonment, nor any penalty for it. [17]

2.2.4 Weak Penalties

Section 17, the sole penal provision, only criminalises compelling transgender persons to beg, with a maximum penalty of six months' imprisonment and/or a fine of PKR 50,000. There is no penalty for harassment, familial abandonment, employment discrimination, or denial of healthcare. The contrast with India's Transgender Persons Act, 2019, which provides penalties ranging from six months to two years' imprisonment for designated offences, is instructive. [12]

2.2.5 Implementation Failure

Fieldwork conducted in Karachi documented that a government agency had never contacted most transgender persons, who were unaware of any public sector job quota, did not know they could vote, and lacked access to healthcare benefits. This has been characterised as an "implementation gap", the real struggle for transgender rights in Pakistan. The government has established neither the required protection centres nor the sensitisation programmes for law enforcement mandated by Section 6.

2.2.6 No Anti-Corrective Practice Provision

Unlike comparative jurisdictions, the Act contains no prohibition on forced 'corrective' practices, including forced surgery, forced reassignment, or

practices used by some guru-chela communities involving castration. This leaves intersex children particularly vulnerable.

2.2.7 2023 Legislative Rollback Attempts

On February 13, 2023, six amendment bills were consolidated before the Senate Standing Committee as the Khunsa (Intersex) Persons (Protection of Rights) Bill 2023, which would have criminalised gender-affirming healthcare and tightened recognition procedures. Amnesty International (2023) and other human rights bodies strongly opposed these amendments as violating international law.

3. COMPARATIVE STUDY: PAKISTAN VS. THE UNITED STATES

3.1 Overview

The United States approaches gender protection through a fundamentally different constitutional and statutory architecture. While Pakistan has a dedicated standalone act, the US protects transgender persons primarily through expansive interpretation of existing civil rights statutes, a model that carries different institutional risks.

3.2 Key US Legal Framework

3.2.1 Title VII of the Civil Rights Act of 1964

The federal foundation for transgender employment protection in the US is Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination "because of sex." That question was resolved definitively in *Bostock v. Clayton County*, 590 U.S. 644, 140 S. Ct. 1731 (2020), in which the US Supreme Court held 6-3 that Title VII forbids employers from firing workers for being transgender or gay. Writing for the majority, Justice Gorsuch reasoned that an employer who fires an individual for being transgender necessarily discriminates against that individual based on sex. This ruling provided nationwide employment protection for LGBTQ+ workers in establishments with fifteen or more employees. [7, 19]

3.2.2 Other Federal Protections

Beyond *Bostock*, transgender rights in the US have been protected through multiple legal

instruments, though the scope of several has been subject to shifting executive and judicial interpretation:

- **Section 1557 of the Affordable Care Act (ACA):** Prohibits sex discrimination in healthcare programmes receiving federal funding, and has been interpreted to include gender identity, though regulatory coverage has fluctuated with successive administrations.
- **Title IX of the Education Amendments of 1972:** Prohibits sex discrimination in federally funded educational programmes and activities, with administrative interpretations extending protection to gender identity.
- **Fair Housing Act:** Prohibits sex discrimination in housing, extended to gender identity by agency enforcement.

- **Violence Against Women Act (VAWA):** Includes protections for LGBTQ+ survivors of domestic and sexual violence.

3.2.3 State-Level Protections

Before and beyond Bostock, a substantial number of US states had enacted their own transgender non-discrimination statutes covering employment, housing, and public accommodation. However, the landscape has become increasingly polarised since 2021, with multiple states simultaneously expanding protections and others enacting restrictions. The state-level picture as of the writing of this paper varies considerably by jurisdiction.

3.3 Comparative Analysis Table

Dimension	Pakistan (TPPA 2018)	United States (Federal + State)
Legal basis	Dedicated standalone Act; gender identity explicitly protected	Civil Rights Act (Title VII) as interpreted in Bostock v. Clayton County, 590 U.S. 644 (2020); no single trans-specific federal statute
Gender recognition	Self-perceived identity (Sections 2(f) and 3 struck down May 2023 by Federal Shariat Court; Supreme Court appeal pending, sections operative in interim)	Varies by state; no uniform federal gender recognition law
Employment	S.9 prohibits employment discrimination broadly	Title VII + Bostock: applies to employers with 15+ employees
Healthcare	S.12 imposes government obligations; weak enforcement	ACA Section 1557; coverage subject to regulatory interpretation by administration in power
Education	S.8 prohibits discrimination in all institutions	Title IX; enforcement tied to federal funding
Penalties	S.17: 6 months / PKR 50,000 (begging only)	Civil damages, reinstatement, attorney fees; criminal penalties for hate crimes
Family protection	None	Some states have statutes prohibiting conversion therapy on minors; no federal framework
Enforcement	Federal Ombudsman, NCHR; weak in practice	EEOC, DOJ, HHS, private right of action; relatively well-resourced enforcement

3.4 Key Comparative Observations

- Pakistan's Act is structurally broader in its scope and coverage, explicitly addressing sectors like inheritance, assembly, and public office that US federal law does not directly cover in a single instrument. In this sense, the TPPA 2018 is more comprehensive on paper.
- The US enforcement infrastructure, the EEOC, DOJ Civil Rights Division, and HHS Office for Civil Rights, is vastly more robust than Pakistan's Federal Ombudsman and NCHR, which lack adequate resources and visibility.
- Pakistan's Act faces a unique constitutional vulnerability: the Federal Shariat Court's jurisdiction to strike down provisions as un-Islamic. No parallel exists in the US secular constitutional framework.
- The US has moved incrementally through litigation and administrative interpretation, whereas Pakistan enacted a sweeping statute that outpaced social and institutional readiness, leading to implementation collapse.
- Both systems lack a federal-level family abandonment framework for transgender minors, though several US states have banned conversion therapy on minors.

4. INTERNATIONAL FRAMEWORK: GLOBAL BEST PRACTICES

4.1 United Nations Framework

The United Nations Office of the High Commissioner for Human Rights (UNOHCHR), in its 2016 recommendations, called on states to ensure legal gender recognition based on self-determination, without requiring surgery, sterilisation, psychiatric diagnosis, or divorce. The Yogyakarta Principles (2006, updated as the Yogyakarta Principles Plus 10 in 2017) articulate the application of international human rights law to sexual orientation, gender identity, gender expression, and sex characteristics (SOGIE-SC), affirming rights to recognition, health, education, employment, and freedom from violence. [58, 59] A comparative study by the University of East Anglia (Qureshi, 2022) found that Pakistan's Act significantly aligned with UNOHCHR 2016 recommendations at the time of enactment, but

the subsequent 2023 FSC judgment has moved Pakistan away from compliance. [37]

4.2 Argentina

Argentina's Gender Identity Law (Law 26.743, 2012) permits any person over 18 to choose their gender identity and revise official documents without prior judicial or medical approval. In 2021, the Diana Sacayán-Lohana Berkins Law (Law 27.636) was enacted, reserving at least 1% of *national public sector* positions for transgender persons while also encouraging the private sector to take similar measures. Also in 2021, Argentina introduced a non-binary 'X' gender marker on national identity documents. It should be noted that in February 2025, President Milei issued a decree modifying certain provisions of Law 26.743, restricting gender-affirming care for minors; the law's core adult recognition framework remains in effect. [13, 14]

4.3 Denmark

In 2014, Denmark became the first European country to adopt the self-determination model (Act No. 752), allowing persons over 18 to change their legal gender solely through application and a six-month reflection period, no medical intervention required. Denmark has fully depathologised trans identities in healthcare, removing psychiatric diagnosis as a prerequisite.

4.4 Malta

Malta's Gender Identity, Gender Expression and Sex Characteristics Act (Chapter 540, 2015) is considered Europe's most comprehensive trans rights law. It allows self-determination for adults, permits minors to seek gender recognition through court proceedings, explicitly bans unnecessary sex-assigning surgeries on intersex infants, and prohibits verbal aggression against trans persons. Malta's parental rights, marriage, succession, and property rights provisions explicitly state that these are not affected by gender and name change. According to ILGA-Europe's Rainbow Map (2024), Iceland and Malta are among the highest-ranked European countries for optimal legal gender recognition. [15]

4.5 India

India's Transgender Persons (Protection of Rights) Act, 2019, received heavy criticism from human rights groups for requiring a District Magistrate's certificate to change gender markers, a process considered intrusive and bureaucratic. Pakistan's 2018 Act, by contrast, was initially more progressive in its self-determination approach. Both countries, however, share the challenge of implementation failure, continuing social stigma, and inadequate penal provisions. A research study published in the *Journal of Development and Social Sciences* (Arqum, Mushtaq & Yunus, 2023) compares the two Acts and finds that both require fundamental amendment. [12, 23]

4.6 South Asia and Muslim-Majority States

Bangladesh has recognised hijras as a 'third gender' since 2013 and introduced quota protections for government employment. Iran, operating under an Islamic legal framework, has permitted sex reassignment surgery (SRS) since a fatwa issued by Ayatollah Khomeini, first articulated in the 1960s regarding intersex conditions and subsequently extended to gender dysphoria, though scholars date the operative reaffirmation differently (variously given as 1982 or 1987 in secondary literature). This is distinct from gender identity recognition and remains controversial. Indonesia, the world's largest Muslim-majority country, has maintained significant social and legal restrictions on gender non-conformity.

5. ISLAMIC JURISPRUDENTIAL PERSPECTIVE

5.1 The Concept of Khuntha in Classical Fiqh

Islamic jurisprudence has engaged with gender ambiguity since the earliest centuries of Islamic legal scholarship. The concept of khuntha (intersex), a person born with ambiguous or mixed genital features, is addressed in virtually every major classical fiqh text. Al-Kasani in *Bada'i al-Sana'i fi Tartib al-Shara'i* defines khuntha as someone who has both male and female organs and stipulates that such a person must be classified as either male or female based on biological predominance. This classification ('khuntha

mushkil' for indeterminate intersex and 'khuntha ghayr mushkil' for determinate intersex) carries direct implications for inheritance, marriage, and religious obligations. [38]

Classical Islamic fiqh scholars, including Al-Sarakhsi, Al-Zuhayli, and Al-Shafi'i, recognised khuntha as requiring specific jurisprudential treatment. The TPPA 2018's inheritance formula in Section 7(3)(c), providing an average of male and female shares for ambiguous cases, is closely aligned with the Islamic jurisprudential position on khuntha mushkil. This alignment was not adequately articulated by the Act's proponents and has been a significant failure of legal communication. [39, 41]

5.2 Mukhannath vs. Khuntha: The Critical Distinction

Classical Islamic scholarship distinguishes between khuntha (a biological intersex condition) and mukhannath (a person with feminine characteristics or mannerisms not attributable to a biological condition). The former is viewed without moral blame; the latter may be subject to religious censure if the characteristics are adopted deliberately. Sheikh al-Tantawi's fatwa, and the Khomeini fatwa on sex-reassignment surgery (issued in stages and reaffirmed through different contexts, with scholars citing dates ranging from the late 1960s to 1987, depending on the specific iteration), both demonstrate that Islamic jurisprudence is not monolithically opposed to accommodation of gender variance and that ijtihad (independent legal reasoning) provides a legitimate vehicle for contemporary reinterpretation. See Alipour (2017) for a detailed analysis of these fatwas. [28]

5.3 Quranic and Hadith References

Several Quranic and Hadith references are relevant to the ethical treatment of transgender and intersex persons:

- **Surah Al-Hujurat (49:13):** "O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you." This verse is frequently cited to argue that noble

character, not gender conformity, is the criterion of divine favour.

- **Surah Al-Isra (17:70):** “And We have certainly honoured the children of Adam.” Islamic scholars cite this verse as establishing the dignity (karama) of all human beings, which cannot be conditioned on gender conformity.
- **Hadith on Mukhannath (Sahih Bukhari and Muslim):** The Prophet Muhammad (PBUH) reportedly censured those who deliberately adopted the appearance and mannerisms of the opposite sex without a physical basis, but this is distinguished from khuntha individuals with biological conditions. Several hadiths also record that a mukhannath named Hit was permitted access to the Prophet’s household, suggesting a degree of social accommodation.
- **Hadith on silat al-rahim (maintaining family ties):** Numerous authentic hadith explicitly prohibit severing family bonds. The Prophet said: “Whoever severs the ties of kinship will not enter Paradise” (Sahih Bukhari, Kitab al-Adab). This is directly relevant to parents who disown transgender children. [45]

5.4 The 2023 Federal Shariat Court Judgment

The Federal Shariat Court’s May 19, 2023, judgment, 108 pages, delivered by Acting Chief Justice Syed Muhammad Anwar, held that Sections 2(f) (gender identity as innermost feeling), 3 (recognition based on self-perception), and 7 (inheritance rights extended to all genders) are contrary to Islamic injunctions. Section 2(n) was explicitly *not* struck down; the Court acknowledged the existence of intersex persons under Islamic law. The judgment represents a restrictive reading that does not engage adequately with the classical fiqh treatment of khuntha, nor with the ijtihad-based approach of contemporary Islamic scholars. [18]

A 2025 study published in the *Journal of Law and Social Studies* proposes reconciling the TPPA with Shariat principles through the establishment of multidisciplinary Gender Determination Boards, legal redefinition distinguishing between intersex and gender-diverse identities, and safeguards against exploitation of gender recognition for prohibited purposes.

6. PROPOSED LEGISLATIVE REFORMS FOR PAKISTAN

6.1 Definitional Bifurcation

Following international and Islamic jurisprudential best practices, the Act should be amended to distinguish clearly between:

- **Khuntha/Intersex Persons:** Those with biologically ambiguous or mixed sex characteristics recognised in classical fiqh and less contested religiously.
- **Gender-Diverse Persons (Transgender):** Those whose gender identity differs from birth-assigned sex but who may have no intersex condition requiring a distinct rights framework. This bifurcation would reduce the Act’s vulnerability to Federal Shariat Court challenge and align the intersex provisions more clearly with classical fiqh, which is already broadly compatible.

6.2 Multidisciplinary Gender Determination Board

A statutory Gender Determination Board comprising medical officers, legal representatives, psychologists, and community advocates should be established to facilitate gender recognition processes. This is both constitutionally safer in Pakistan’s legal context and aligns with the Federal Shariat Court’s concern about administrative safeguards, as also proposed in the same study.

6.3 Strengthened Penal Provisions

Section 17 should be comprehensively expanded to include:

- **Harassment (physical, psychological, sexual):** Minimum one year’s imprisonment, fine of PKR 500,000.
- **Employment discrimination:** Fine of PKR 1,000,000 and civil damages.
- **Denial of medical treatment:** Fine of PKR 500,000 and mandatory compliance orders.
- **Familial abandonment of a minor:** Imprisonment up to three years.
- **Forced corrective practices:** Imprisonment up to five years.

6.4 Mandatory Quotas and Monitoring

Drawing from Argentina’s model (Law 27.636, 2021), [14] a mandatory 1-2% public sector

employment quota for registered transgender persons should be operationalised through NADRA, with a dedicated monitoring mechanism reporting to the National Assembly.

6.5 Healthcare Destigmatisation

Medical curriculum reform under Section 12 should be implemented through binding guidelines issued by the Pakistan Medical Commission, including specific training on intersex conditions, gender dysphoria, and transgender healthcare in all MBBS and BDS programmes.

7. PROPOSED FAMILY PROTECTION CLAUSE (WITH PUNISHMENT)

7.1 The Problem: Familial Abandonment as the Root of Marginalisation

Research consistently identifies family abandonment as the primary structural cause of transgender marginalisation in Pakistan. UNDP Pakistan (2024) documented that transgender individuals are regularly cast out of their homes as young children. The Springer legal analysis (Rashid & Rashid, 2022) found that, despite the 2009 Supreme Court ruling that families cannot deprive transgender individuals of inheritance by disowning them, the NADRA policy developed for abandoned transgender persons uses the same workaround as for orphans, entering random strangers as father figures on NIC cards. This perpetuates the trauma of abandonment and fails to recognise such persons as full citizens in their own right. [36]

From an Islamic perspective, this abandonment directly violates the Prophet's command on silat al-rahim (maintaining family bonds). The hadith recorded in Sahih Bukhari (Kitab al-Adab) is unambiguous: severing ties of kinship is a major sin. Parents who disown children, including those with intersex conditions or gender-diverse identities, are violating both positive law and Islamic ethics. [45]

7.2 Draft Family Protection Clause

Proposed Section 17-A: Protection of Transgender Children from Family Abandonment

17-A (1) Definition of Abandonment:

For this section, 'abandonment' means any act by a parent, guardian, or family member that results in the expulsion, rejection, or exclusion of a child (under 18 years of age) from the family home, or the withdrawal of financial, emotional, or physical support, whether wholly or substantially, on the ground of the child's actual or perceived gender identity, gender expression, or intersex characteristics.

17-A (2) Prohibition:

No parent, guardian, or family member shall abandon, disown, expel, or otherwise deprive a minor child of family support based on the child's actual or perceived gender identity, gender expression, or intersex characteristics.

17-A (3) Obligation of Support:

Every parent and guardian of a transgender or intersex minor shall be legally obligated to:

- Provide adequate food, shelter, clothing, and education to the child;
- Refrain from subjecting the child to any corrective, conversion, or coercive practice aimed at altering the child's gender identity or expression;
- Facilitate access to appropriate medical and psychological care as recommended by a registered medical practitioner.

17-A (4) Penalty for Abandonment:

Any parent or guardian found to have abandoned a transgender or intersex child in violation of subsection (2) shall be punishable with:

- Imprisonment for a term not less than one year and not exceeding three years; and
- A fine not less than PKR 200,000 and not exceeding PKR 500,000; and
- A mandatory court order for the restitution of parental duties and financial support, monitored by the relevant District Social Welfare Officer.

17-A (5) Aggravated Offence:

Where abandonment results in the child entering a guru-chela network, becoming involved in begging, sex work, or other exploitative livelihood, or suffering serious physical or psychological harm, the punishment shall be enhanced to imprisonment for a term not less than three years and not exceeding five years, and a fine not less than PKR 500,000.

17-A (6) Inheritance Irrevocability:

The act of disowning or abandoning a transgender or intersex child shall not extinguish or reduce the child's right to inheritance under Section 7 of this Act. Any testamentary disposition made with the intent to disinherit a child on grounds of gender identity or expression shall be void and unenforceable.

17-A (7) Rehabilitation and Custody:

Where a transgender or intersex child has been abandoned, the District Social Welfare Officer, acting under the authority of the Federal Government and in coordination with the protection centres established under Section 6(a), shall:

- Immediately provide shelter and support to the abandoned child;
- Initiate proceedings before the Family Court for the enforcement of parental obligations;
- Refer the case to the Child Protection Bureau for investigation and rehabilitation.
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17-A (8) Complaint Mechanism:

A complaint under this section may be filed by the transgender or intersex child, any person on the child's behalf, any civil society organisation registered with the government, or the NCHR. The Federal Ombudsman shall maintain a dedicated desk for complaints arising under this section.

Note on Islamic Grounding of Section 17-A: This clause is grounded in the Quranic principle of *hifz al-nasl* (protection of lineage and family) as one of the five *Maqasid al-Shariah* (objectives of Islamic law), and in the Prophet's explicit condemnation of severing family ties (*Sahih Bukhari, Kitab al-Adab*). The obligation of parents to maintain and protect their children (*nafaqa*)

is independently established in Islamic law and applies regardless of the child's characteristics. No fatwa in the mainstream Islamic jurisprudential tradition permits parents to abandon children on grounds of intersex conditions or gender ambiguity. [45]

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