

Religious Leaders' Views on Rights of Khwaja Sira in Pakistan

SAMEENA AZHAR, ATMAJA ACHARYA, IMTYAZ AHMAD, MUHAMMAD ARSHID,
MD. SAIMUM ISLAM, AND DANIA MALIK

Abstract

In Khyber Pakhtunkhwa, Pakistan, religious leaders play a significant role in shaping public attitudes toward khwaja sira, people who identify as third gender. This study explores the perspectives of Muslim religious scholars and leaders in District Mansehra, Khyber Pakhtunkhwa, on the human rights of khwaja sira. Applying a rights-based framework, we conducted 40 semi-structured, in-depth interviews with Muslim religious scholars and leaders. Through abductive analytical techniques, we identified three key themes: (1) perceptions of human rights for khwaja sira in Pakistan; (2) third gender recognition in Islam; and (3) third gender recognition by the state. Our findings illuminate tensions between human rights frameworks and local religious understandings, while also suggesting that the views of religious scholars and leaders may be leveraged to shape public opinion on cisheteronormative notions of gender and sexuality in the Pashtun context.

SAMEENA AZHAR, PhD, LCSW, MPH is an associate professor at Fordham University Graduate School of Social Service, New York City, United States.

ATMAJA ACHARYA received her PhD in economics from Christ University, Bangalore, India.

IMTYAZ AHMAD is a PhD scholar in the Department of Political Science and International Relations at Hazara University, Mansehra, Khyber Pakhtunkhwa, Pakistan, and a graduate research assistant at Fordham University Graduate School of Social Service, New York City, United States.

MUHAMMAD ARSHID is an associate professor in the Higher Education Department, Khyber Pakhtunkhwa, Pakistan.

MD. SAIMUM ISLAM is an MSW student and social work researcher at Jagannath University and a research assistant at Fordham University, New York City, United States.

DANIA MALIK is a lecturer and public policy researcher specializing in climate migration, human rights, and governance.

Please address correspondence to Sameena Azhar. Email: sazhar@fordham.edu.

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Introduction

The term “khwaja sira” is a culturally specific term in South Asia, particularly in Pakistan, that is used to describe individuals who do not conform to conventional gender binaries.¹ It is historically associated with communities recognized as a “third gender.” Constitutional rights (enshrined in articles 8–28), judicial activism, and statutory protections provide legal recognition of third gender persons in Pakistan.

Shaped by legal reforms, landmark judicial interventions, and a shifting sociopolitical discourse on gender diversity, Pakistani policies on gender, health, and human rights have changed dramatically over the past two decades. In a landmark 2009 decision, *Khaki v. Government of Pakistan*, the Supreme Court of Pakistan formally recognized the right of individuals to register as a third gender on various forms of identification, including voting registration cards and national identity cards.² In 2012, the chief justice of the Supreme Court of Pakistan declared that individuals identifying as a third gender are equal citizens under the law and entitled to constitutional protections.³ In 2018, a petition was filed in the Federal Shariat Court seeking to safeguard the rights of third gender people, including their right to safety (article 9), respect for human dignity (article 14), and property (article 24(1)).⁴ The petition followed increasing contemporary discourse and legal attention regarding the human rights of khwaja sira, with greater visibility in international human rights debates.⁵ Additionally, the Transgender Persons (Protection of Rights) Act of 2018 affirmed the right to gender self-identification, secured inheritance rights, and prohibited discrimination in education, employment, and health care.⁶ The Pakistani government also mandated affirmative action policies, expanding socioeconomic opportunities for the third gender community. The law further allows khwaja sira to receive formal legal recognition of their gender on their identity cards.

However, the implementation of this act has been hampered by bureaucratic inefficiencies and societal resistance. Ambiguities in the law have raised concerns about its practical application and

potential for misinterpretation.⁷ Progressive legal reforms have come into tension with conservative Islamic interpretations of gender and sexuality.⁸ The act has been explicitly rejected by multiple religious political parties and groups, who argue that it contradicts Islamic teachings.⁹ A second petition filed in the Federal Shariat Court in 2023 challenged provisions in the Transgender Persons Act that endorsed gender fluidity and self-identification. The Sharia Court called for a review of the law to ensure its alignment with Islamic principles. Since then, debates over the act’s religious legitimacy have intensified, reflecting deeper cultural and theological divisions over gender identity.

Additionally, individuals who identify as a third gender in South Asia are often excluded from religious spaces and denied basic rituals, such as inclusion in funeral prayers, burials in community graveyards, and spiritual counseling, further deepening their alienation.¹⁰ In rural parts of Khyber Pakhtunkhwa, such as Mansehra, religious authorities continue to wield significant influence over communal norms, political discourse, and law enforcement practices, contributing to the exclusion of khwaja sira.¹¹

Theoretical framework

This study applies an international human rights framework, as outlined in the United Nations Universal Declaration of Human Rights, emphasizing the protection of individuals from persecution.¹² Rather than relying on the benevolence or discretion of those in power, such an approach asserts that minorities possess inalienable entitlements.¹³ This inclusivity is particularly important for sexual and gender minorities. Nonetheless, human rights frameworks can be limited in their applicability because these rights may be constrained or challenged by local cultural and religious practices.

Islamic moral and legal norms are often essentialized as being at odds with international human rights principles.¹⁴ Many Islamic scholars argue that an interpretation of human rights that aligns with Islamic values should support culturally grounded understandings of rights.¹⁵ Applying the human

rights framework to the rights of khwaja sira helps to make sense of how gender-diverse people in the Pashtun context are othered by social and legal institutions. In light of the recent passage of the Transgender Persons (Protection of Rights) Act, this study sought to explore how Muslim religious scholars and leaders in Khyber Pakhtunkhwa, Pakistan, understand issues regarding the human rights of khwaja sira.

Materials and methods

This study was conducted in District Mansehra, a central district of the Hazara region in Khyber Pakhtunkhwa, in collaboration with the nongovernmental organization Social Empowerment through Education and Knowledge (SEEK). We conducted 40 semi-structured interviews with Muslim religious scholars and leaders to explore their understandings of human rights issues affecting khwaja sira. Participants were recruited through convenience sampling.

Data collection

We conducted semi-structured interviews between April 2022 and January 2023. All participants met the following inclusion criteria: (1) at least eighteen years old; (2) resident of Mansehra; (3) proficient in speaking Urdu; and (4) self-identified as a religious leader or a religious scholar. Of the 205 individuals initially contacted, 159 declined to participate and six could not be reached. After providing their informed consent, 40 individuals ultimately agreed to participate in semi-structured in-depth interviews.

Data analysis

All interviews were digitally audio-recorded in Pashto or Urdu and then translated and transcribed directly into English. After reviewing the first 10 transcripts, five evaluators—including the principal investigator, two research assistants based in the United States, and two researchers in Pakistan—collaboratively developed a codebook rooted in themes related to human rights frame-

works. We conducted line-by-line coding to break the data down into manageable analytic units. We then revised, consolidated, and removed codes as needed using the qualitative data analysis software Dedoose. Any coding discrepancies were resolved through consensus among the research team.

Results

We identified three themes in our interviews with religious scholars and leaders: (1) perceptions of human rights for khwaja sira; (2) perspectives regarding gender and sexual diversity in Islam; and (3) third gender recognition by the state.

Perceptions of human rights for khwaja sira

Muslim religious leaders (*ulema*) play a pivotal role in shaping societal attitudes in Khyber Pakhtunkhwa.¹⁶ Several scholars emphasized that khwaja sira are “creations of Allah” and therefore deserve respect and dignity. As one scholar noted:

My opinion is that just as there are boys and girls in creation, khwaja sira are another creation of Allah Almighty. (interview 4, April 10, 2023)

Several participants expressed the belief that khwaja sira should be entitled to the same fundamental rights as other Pakistani citizens. For example, another scholar said:

My personal point of view is that, as human beings, we should give everyone their rights and protect those rights. As human beings, we should treat them [khwaja sira] well. (interview 5, April 24, 2023)

Some scholars affirmed the idea that Islamic principles uphold the human rights and dignity of all people, regardless of their gender. In the words of one scholar:

As for guarding the rights and dignity of khwaja sira, Islam does not permit oppression, harassment, or looking down upon any individual. In Islam, there is equality among all people. No one is superior to another simply because of their gender or identity. Regarding the fatwas issued by the respected scholars and muftis, it is evident that they

have conducted research before issuing such verdicts ... Therefore, I respect their decisions. (interview 16, July 1, 2023)

This respondent framed respect for khwaja sira as a religious obligation in line with modern principles requiring that all members of society be treated equitably. This respondent believed that Islamic teachings regarding the respect for persons should apply across social and gender identities, citing respect for the authority of muftis to issue *fatwas*, or religious decrees issued by experts in Islamic jurisprudence. This scholar affirmed the legitimacy of religious scholars and emphasized the Islamic values of equality, fairness, and human dignity.

Participants further argued that the Pakistani government has a duty to protect the rights of khwaja sira, particularly given this population's continued exposure to systemic injustices that reinforce cycles of poverty and marginalization:

First and foremost, the state and government need to create policies and enact effective laws to protect the rights of khwaja sira and ensure their inclusion in society. (interview 14, Jun. 25, 2023)

The right to gender self-determination, although not internationally recognized, involves the state's recognition of an individual's gender identity and is considered a "positive" human right. In the words of one participant:

It is essential for the Pakistani state to provide them with a place in society, legally safeguard their rights, and first and foremost, resolve the issue of their identification. (interview 12, May 15, 2023)

Access to gender-affirming care was identified as another positive right, with the state being viewed as responsible for ensuring equal access. Some participants argued that access to gender-affirming health care should be understood both as a medical necessity and as a fundamental human right that should not be denied under Muslim jurisdictions:

These people should not be denied their rights, medical surgery or hormonal treatment. There is

nothing like that in Islam. (interview 19, July 15, 2023)

Under this perspective, access to gender-affirming care, and access to evidence-based health care at large, should be conceptualized as a fundamental human right and a medical necessity, not only for khwaja sira but for all Pakistani citizens.

Alongside positive rights that require state involvement, the state also has a responsibility to protect negative rights by preventing human rights violations and safeguarding khwaja sira from systemic discrimination. Negative rights include freedoms from undue interference, such as freedom from discrimination, arbitrary arrest, and institutional exclusion. Multiple scholars reported that khwaja sira regularly experience discrimination in health care settings. Some of these discriminatory health care practices revolve around their association with HIV, reflecting long-held tropes about trans populations and HIV status. One respondent explained:

The community is wrongly associated with HIV and other illnesses, fueling fear and avoidance. People already considered khwaja sira to be patients, thinking they had various sexual diseases, like HIV and AIDS. People were afraid to approach them. The government made no special arrangements for them, and neither the general public nor NGOs took tangible steps on their behalf. Some people even thought the pandemic was a punishment from Allah because of the moral depravity of the khwaja sira community. The community was the most affected by the Corona pandemic. (interview 2, March 30, 2023)

Beliefs regarding the khwaja sira community's perceived filthiness shape their treatment within health care settings. These beliefs are often linked to their perceived infectiousness. Expectations to be mistreated in healthcare settings discourage khwaja sira from engaging with services at all:

Many khwaja sira avoid hospitals altogether due to fear of humiliation or neglect. (interview 18, July 10, 2023)

The avoidance of health care is not simply a mat-

ter of personal discomfort but a learned survival strategy, shaped by repeated experiences of being mocked, misgendered, and dismissed by health care workers. For many participants, medical facilities are sites of risk rather than of safety, where their bodies are scrutinized and their identities questioned.

Third gender recognition in Islam

Perspectives among religious scholars regarding third gender recognition vary widely, often mirroring broader theological debates on gender identity and expression.¹⁷ Some respondents argued that Islamic teachings recognize individuals who do not conform to binary gender categories. They referenced *fiqh*, or Islamic jurisprudence, which addresses the existence of *mukhannath* (effeminate men) and *khunsa* (intersex individuals), as evidence that gender diversity has historically been recognized within Islamic traditions. One participant reported:

Fiqh delves into the rights of khwaja sira as prescribed by Islamic jurisprudence, within our Muslim society. In practice, it is the government's responsibility to implement these rights. If they create a platform or mechanism in accordance with these principles, khwaja sira can indeed access their rights. It's not about whether the Quran explicitly mentions them, but rather about discussing their issues within the framework of Islam. (interview 5, April 24, 2023)

Similar views were reflected by another participant:

Islam and Sharia have given all the rights to the khwaja sira that a man, a woman, and a human being get in a Muslim society. Our religious leaders, our mulvis, our muftis do not talk about these rights and do not treat them well. They incite hatred towards these people, arguing that their supposed immorality has no place in Islam. Islam and Sharia have given all rights to khwaja sira. If we study fiqh, we can see that entire chapters have been devoted to the problems of khwaja sira and their rights. (interview 26, August 23, 2023)

According to these perspectives, rights are guaranteed to khwaja sira by Islamic jurisprudence; it

is the intolerant behavior of local religious leaders who fail to acknowledge these rights. Nonetheless, khwaja sira may be unable to get married:

According to Islam, khwaja sira are the only ones who are called khunsa mushkil in Arabic, those who are difficult to recognize as a man or a woman. It is very difficult for them to enter into a marriage contract with a man or a woman. (interview 27, August 25, 2023)

Although the Quran does not explicitly address the rights of khwaja sira, religious scholars in Khyber Pakhtunkhwa tended to agree that recognizing their human rights is consistent with Islamic legal principles. This perspective challenges dominant global narratives portraying Islam as opposed to queer rights. One scholar challenged these hegemonic views about the intolerance of Muslims toward queer communities:

From the point of view of Islam, all human beings are equal, and no single human being has the right to oppress or discriminate against another human being on the basis of gender, race or caste. (interview 23, August 6, 2023)

Several scholars also emphasized that Islam prohibits discrimination against the inhumane treatment of khwaja sira. Some argued that because women are granted rights under Islam, khwaja sira should likewise be entitled to similar protections, including equal ownership and inheritance rights. One participant observed:

It is not written anywhere in Islam that on the basis of gender, a woman will get more rights and a man will not, or a man will get more rights, and a woman will not get those rights ... Just as a man gets these basic human rights, a woman does too. No distinction in rights is made on the basis of gender. (interview 19, July 15, 2023)

Several scholars asserted that it is the government's responsibility to uphold these rights. As one respondent explained in relation to the right to education and to earn a living:

In Khyber Pakhtunkhwa, many Islamic scholars

believe that just as a common man has the right to live, so do khwaja sira. They should be given their rights, including the right to education and to operate a business. There should be no restrictions on them. (interview 31, September 4, 2023)

Religious leaders who support third gender registration highlighted the practical challenges involved in implementing such policies, as reflected in the following account:

I mentioned earlier that the neocolonial system in our country and in this region has given rights only to specific groups. For example, consider the weaker and impoverished class, particularly those who are sexually marginalized. Society doesn't accept them. So, who can secure their rights? (interview 7, May 15, 2023)

Some scholars argued that only “real” or authentic khwaja sira should be entitled to full legal rights and protections. One respondent stated:

My personal view aligns with what Islam, scholars, and the Shariah say. Real khwaja sira, those born neither male nor female, should be given rights, protection, and legitimate employment opportunities. They should be provided with the same facilities to progress in life as any other person. However, those who adopt the guise of khwaja sira for worldly or sexual desires should be identified and, if possible, stopped through psychological treatment. (interview 34, September 16, 2023)

While the distinction between “real” and “fake” khwaja sira remains contested, public discourse frequently frames individuals as being “authentic” khwaja sira if they are presumed to have been born intersex, as opposed to those who have undergone gender affirmation surgeries (namely, the removal of the penis or testicles). One respondent echoed this view:

Those who have made themselves khwaja sira are not real khwaja sira, and this negatively impacts the rights of real khwaja sira. When scholars talk about the rights of real khwaja sira, people often misunderstand and think they are advocating for those involved in immoral activities. Thus,

our religious community cannot speak for them. (interview 23, August 6, 2023)

While “authentic” members of this group are constructed as being intersex, the vast majority of khwaja sira are actually not born intersex but rather identify as a third gender. This confounding of identities, namely intersex versus transgender, is reflected in the views of scholars:

In reality, they are khwaja sira, those who are intersex individuals. They identify as a third gender, known by various names. They are indeed a creation of Allah, but they are individuals with sexual disabilities. They, too, should be granted the same rights as other people, such as access to education, health care, freedom, employment, participation in politics, religion, and all other social and human rights. We should also ensure their rights are protected. (interview 3, April 5, 2023)

In the above case, the participant labels khwaja sira as intersex individuals—a common interpretation of gender diversity in the South Asian context and reflecting a differing social construction of sexual orientation and gender identity from Western contexts—one that nonetheless sees gender diversity as a “sexual disability.” Khwaja sira are encouraged to engage in “psychological treatment,” with the expected benefit being the resolution of their homosexual or gender-nonconforming tendencies.

Some respondents emphasized that the absence of legal recognition further deepens the marginalization of khwaja sira. As one noted:

While the Quran identifies only two genders, male and female, it is necessary to recognize and provide rights to the third gender that exists. We cannot ignore their existence or force them into the binary categories of male or female. It is better to accept them as a third gender and provide them with human rights. (interview 32, September 8, 2023)

Previous research indicates that some Pakistani religious leaders view advocacy for the rights of khwaja sira as a secular or foreign agenda that threatens the moral fabric of the Muslim community.¹⁸ Such advocacy is often perceived to be the adoption of

Western perspectives on queer issues, allowing for moral “corruption” associated with homosexuality and gender nonconformity. Respondents in this study acknowledged this tension:

This is a nuanced question, and I do not want to discuss it much, but I must say that people in our society are very narrow-minded. Even if some scholars stand up for the rights of khwaja sira, society will say that religious leaders are following the agenda of a foreign country or that he is an agent of a foreign country. (interview 38, February 10, 2023)

This resistance has implications not only for health and social service access but also for the mental well-being of khwaja sira, who frequently experience exclusion and shame.¹⁹

Other religious leaders expressed concern over the broader implications of third gender registration, viewing it as a challenge to traditional gender roles and family structures. They argued that gender self-identification is inconsistent with Sharia (Islamic law) and could contribute to the perceived moral decline of society. As one respondent stated:

It is an illegal act and it is against the morals and values of our society. Because what they are doing is not right. It is neither halal nor permissible. (interview 27, August 25, 2023)

Some religious leaders resist acknowledging the self-determined gender identities of khwaja sira, viewing such recognition as incompatible with prevailing Islamic interpretations. These scholars oppose the notion that individuals should have the authority to define their own gender identity. One respondent explained:

Many people who are born as men or women later rebel against the creation of Allah and identify themselves differently. This is un-Islamic, and there is no provision in Islam for someone to rebel against the creation of Allah and make their identity something else. (interview 20, July 20, 2023)

Some respondents, like the participant above, questioned whether contemporary interpretations of gender identity align with Islamic teachings and

emphasized the importance of achieving scholarly consensus before endorsing such interpretations. Those scholars who opposed the recognition of a third gender identity often cited corrupting Western influences to have caused these acts of perceived moral depravity.

Third gender recognition by the state

This theme demonstrates how state-level recognition, particularly access to official identification, functions as a decisive structural mechanism that shapes the lives of khwaja sira in Pashtun society. Legal recognition of gender identity is a fundamental right that enables individuals to access essential services, including education, employment, voting, and travel. The Transgender Persons Act introduced a significant shift by allowing individuals to self-identify as “male,” “female,” or a third gender (“X”) without undergoing medical testing or interventions. However, obtaining the official “X” identification marker remains a significant barrier for many khwaja sira in Pakistan. Without national identity cards, khwaja sira are excluded from numerous aspects of civic participation and social engagement within Pashtun society. One respondent described the situation:

The first issue is that they don't have identity cards so they can't access government services, enroll in schools, or get admitted to hospitals. They are often expelled from their homes ... Schools and madrasas [religious schools] don't admit them, citing the environment or social norms. Their religious education is also affected. In hospitals, they face issues in both men's and women's wards. They are denied jobs in shops, factories, and government offices. Despite laws prohibiting discrimination, the Federal Sharia Court has nullified these protections. (interview 21, July 25, 2023)

Legal recognition is contested not only at the bureaucratic level but also within religious-legal institutions.

Recent rulings by the Federal Sharia Court have contested protections provided by the law, questioning whether legal identity from a state authority can operate when in conflict with a religious authority. This dynamic reveals how state recogni-

tion and the denial of human rights frameworks become moral and political judgments about who counts as deserving of full protection of the law. As one respondent explained:

The Federal Sharia Court has also issued decisions refusing to recognize [khwaja sira] as human. In fact, they have been denied the right to obtain a national identity card, violating national laws and fundamental human rights recognized by international law. This means that, according to the current perspective of religious scholars, khwaja sira are no longer considered human beings, raising important ethical and legal issues. (interview 19, July 15, 2023)

Some scholars noted that social safety net programs, such as the Pakistani public benefit program Ehsaas, could help khwaja sira achieve a basic standard of living. However, khwaja sira who are unable to obtain official identification are prevented from accessing these benefits:

The government started the Ehsaas program, providing 12,000 rupees to poor, daily wage workers, and women. However, nothing specific was done for the khwaja sira community because they often do not have national identity cards. Consequently, they received no assistance from the government. (interview 21, July 25, 2023)

Some scholars advocated for vocational programs to support the social inclusion and economic independence of khwaja sira, without necessarily challenging traditional religious frameworks. One respondent stated:

They cannot easily integrate into public spaces, and the government does not provide them with separate residential or housing societies or systems. [Having such systems in place would mean that] the threat to their well-being is reduced and they could also receive financial assistance and psychological support. (interview 10, May 6, 2023)

While religious discourse may offer a degree of formal recognition, khwaja sira continue to face discrimination in accessing public benefits. One re-

ligious group, Tanzeemi Ittehad-Ulema-e-Ummat Pakistan (also known as Tanzeemi Ittehad-e-Ulamat), took a strong stand on these issues. As a respondent explained:

The organization known as Tanzeemi Ittehad-Ulema-e-Ummat Pakistan is a group of scholars that has grown to about 500 members. I agree with their recommendation that harassing or persecuting khwaja sira is a crime against Islam. Harassing any individual, committing violence, or oppressing them is a crime in Islam. (interview 17, July 5, 2023)

Another participant commented on the phenomenon of recognizing the human rights of khwaja sira, noting that refusing to acknowledge their rights conflicted with Islamic notions regarding the equality of humanity:

As for guarding the rights and dignity of khwaja sira, Islam does not permit oppression, harassment, or looking down upon any individual, including khwaja sira. In Islam, there is equality among all people. No one is superior to another simply because of their gender. Regarding the fatwas issued by the respected scholars and muftis [that approve of transgender marriage], it is evident that they have conducted research before issuing such verdicts. They are knowledgeable scholars who are well-versed in Islamic jurisprudence and have issued these fatwas, based on their expertise and understanding of Islamic teachings. Therefore, I respect their decisions. (interview 16, July 1, 2023)

This speaker emphasizes the authority of religious scholarship, noting that fatwas issued by scholars and muftis represent a legitimate form of Islamic jurisprudence. Ultimately, as is evident in the narratives of our participants, the positions of religious scholars and leaders can work to either uphold or negate the health needs and human rights of khwaja sira.

Discussion

The findings from our interviews with religious scholars and leaders in Khyber Pakhtunkhwa demonstrate the ongoing tensions within Muslim

religious circles regarding how gender and sexuality are understood. Our findings demonstrate that the successful recognition of the human rights of khwaja sira in Pakistan depends on both addressing the concerns of religious leaders and amplifying the voices of marginalized communities. Religious authorities in Pakistan often act as gatekeepers in defining the limits of gender expression, thereby influencing how and to whom rights are extended.²⁰ We found that religious scholars framed the rights of khwaja sira within conditional moral and religious frameworks, granting support only when such rights were perceived to align with Islamic teachings. While tensions remain between embracing human rights discourse and upholding religious doctrine, some religious communities have embraced the need to recognize human rights for khwaja sira. For example, the Lahore-based religious organization Tanzeemi Ittehad-Ulema-e-Ummat Pakistan, led by Chairman Ziaul Haq Naqshband, has taken a notably progressive stance in advocating for the rights of khwaja sira.

In the following sections, we highlight four main implications of our findings: (1) lack of uniformity in Islamic jurisprudence; (2) lack of legal gender recognition; (3) increasing awareness of human rights of khwaja sira; and (4) advocacy for khwaja sira rights.

Lack of uniformity in Islamic jurisprudence

There are multiple understandings of the human rights of khwaja sira from the perspectives of religious scholars and leaders. Islamic jurisprudence on gender diversity is not uniform but is instead historically layered and deeply contested.²¹ As some scholars and institutions reject the recognition of gender-diverse identities and call for rollbacks to the legal recognition of third gender identities, others articulate more inclusive theologies embedded in imperatives of non-harm, justice, and human dignity. Khwaja sira frequently deploy religious discourse as a modality of resilience, claiming a right to live with dignity and to be protected from persecution.

Lack of legal gender recognition

Our findings illustrate how the denial or delay of legal gender recognition constitutes a significant structural barrier for khwaja sira communities in Pakistan. While the Transgender Persons (Protection of Rights) Act is a progressive shift in social policy, its implementation has been inconsistent, and recent legal challenges have undermined its validity. Khwaja sira communities often remain invisible in policymaking, reinforcing the pattern of conditional empathy, as echoed in the present study.²²

Within discussions with religious scholars and leaders, there was often a conflation of the identities of being intersex and being transgender. While fiqh does not explicitly condemn individuals who identify as gender non-binary, societal interpretations of Islamic teachings often continue to cast khwaja sira as being homosexual, leading to suspicion and stigma against khwaja sira communities.²³

Our research also validates findings that demonstrate how khwaja sira experience barriers to obtaining public benefits.²⁴ Before the passage of the Transgender Persons Act in 2018, the Pakistani government required “medical examinations” to confirm the gender identity of khwaja sira for official documentation, namely being able to register as a third gender person on one’s national identity card, to qualify for state benefits. Such biomedical definitions serve to essentialize gender as an ascribed byproduct of anatomy, rather than an aspect of identity. Despite these legal advancements, institutional practices and societal attitudes have not consistently aligned with the law. Documented cases demonstrate how khwaja sira have still been subjected to medical verification, particularly when inconsistencies or doubts arise in official records.²⁵

Experiences of marginalization are also present within the criminal justice system, where many khwaja sira report police harassment and abuse because they lack official identification with their selected gender identity.²⁶ Taken together, these patterns show that without secure documentation and accompanying forms of legal recognition in state institutions, khwaja sira remain systematically outside of the boundaries of full citizenship.

Increasing awareness of human rights for khwaja sira

Intersectional frameworks are critical to addressing the layered oppression faced by khwaja sira communities.²⁷ Awareness-raising campaigns led by the government and civil society can play a vital role in dismantling stereotypes and promoting inclusion for khwaja sira. For example, national media campaigns could highlight the lived experiences of khwaja sira to assist in humanizing their struggles.²⁸

The gap between law and practice is deepened by a lack of awareness of these rights, resulting in persistent police harassment, corruption, and bureaucratic neglect.²⁹ Educational initiatives that foster a more nuanced understanding of gender diversity within Islamic contexts are essential for long-term cultural transformation. Professional development workshops for service providers and educators can help address these issues. Programs should be designed to sensitize employers to address structural barriers to well-being, citizenship, and full civic inclusion.³⁰ Public institutions and health care facilities should introduce anti-discrimination policies, gender-neutral facilities, and equitable hiring practices.³¹ Community dialogue with local leaders can further strengthen social acceptance and encourage communities to treat transgender individuals with dignity and respect.

To strengthen enforcement of the Transgender Persons Act, additional investment is needed in training lawyers, government officials, and advocates to handle discrimination claims effectively. Establishing accessible and free/low-cost legal aid services and community-based support networks can empower khwaja sira to assert their rights.³² By fostering dialogue and emphasizing shared values of justice and compassion, religious leaders can work toward a more inclusive and equitable society that recognizes the human rights of khwaja sira and other gender-diverse people in Pakistan.

Advocacy for khwaja sira rights

While recent policy reform and advocacy efforts offer promise for social change, significant obstacles remain in dismantling the systemic discrimination

faced by khwaja sira. Our findings suggest that sustained advocacy is needed not only to strengthen legal protections for khwaja sira but also to address their social exclusion. Although Pakistan's legal framework has begun to acknowledge the human rights of the khwaja sira community, entrenched social prejudice and institutional bias continue to undermine the effective protection and enforcement of those rights. For example, khwaja sira are often excluded from rites of passage, such as funerals and marriages. In Muslim communities, corpses are traditionally bathed by family members in preparation for their burial through a process known as *ghusl*. With khwaja sira, their own families may refuse to claim their bodies and mosques may refuse to perform their funeral and burial rites. This often leaves khwaja sira in the position of having to bury their dead on their own, without the formal recognition of local Muslim communities of their death rituals. In other spheres, khwaja sira navigate these conditionalities strategically to gain access to essential services and social acceptance.³³ To counter these harms, the state can strengthen protections against hate speech, misgendering, and discrimination in employment.³⁴

The khwaja sira community in Khyber Pakhtunkhwa has also continued to resist marginalization through collective action and advocacy.³⁵ Trans Muslims reclaim spaces of religion, faith, and theology to affirm their non-binary existence, offering counter-narratives that challenge dominant religious interpretations and present alternate readings of Islamic precedence.³⁶ Local community-based organizations, such as Blue Veins, TransAction, and Gender Interactive Alliance, have played a pivotal role in mobilizing community members and raising awareness. Operating under Pakistan's 1882 Civil Societies Act, these organizations interact with state institutions, collaborate with international donors, and implement structured programs aimed at increasing social welfare and rights-based development.

However, even with the involvement of these organizations, legal recognition of third gender people remains inconsistent. Legal victories are often accompanied by societal backlash, under-

scoring the complexity of gender identity rights in South Asian and Muslim contexts.

Ultimately, discrimination against khwaja sira runs counter to both constitutional guarantees and Islamic ethical principles.³⁷ Clarifying and strengthening legal safeguards would uphold the dignity of khwaja sira and reduce their vulnerability.³⁸

Efforts to support khwaja sira communities must also be grounded in a commitment to social justice and inclusivity. Addressing these challenges requires comprehensive reforms grounded in international human rights law, alongside sustained support for civil society organizations working to protect the dignity, safety, and overall wellbeing of the khwaja sira community. Religious leaders hold a powerful position in shaping moral thinking in Pakistani communities, as imams can play a central role in resolving stigma against these communities.

Religious scholars could advocate for the human rights of khwaja sira in their *khutbahs* (weekly Friday sermons). *Khutbahs* have long been used as a forum for social change and a space for moral reflection. Research on khwaja sira communities in Pakistan has shown how religious exclusion, such as the lack of access to mosques and the denial of burial rites, causes deep emotional injury and systematic social exclusion. When respected religious figures challenge the mocking, misgendering, and abuse of khwaja sira in public forums and through the engagement of religious rites, they publicly acknowledge the human rights of khwaja sira.

Conclusion

This research contributes to ongoing discussions regarding Islamic perspectives on human rights, as well as existing scholarship that explores how gender-diverse communities engage with religious discourse and moral authority. By engaging religious leaders in meaningful dialogue, we highlight how khwaja sira identities are understood in the context of Islamic teachings and how these rights are met by the state and other nongovernmental organizations. While Pakistan's Transgender Persons (Protection of Rights) Act marks a significant milestone in ensuring these rights, the social ac-

ceptability of this policy is limited by competing religious formulations, cultural resistance, and selective implementation.

Ultimately, we underscore the importance of recognizing the human rights of third gender people in Pakistan and envision khwaja sira as active agents in constructing this recognition.³⁹

This research also explores the significance of translating human rights frameworks into local epistemologies, especially in Muslim-majority contexts.⁴⁰ Our findings indicate that policy efforts addressing gender diversity in Pakistan could benefit by leveraging religious actors to strengthen human rights recognition.⁴¹ Ultimately, this study demonstrates that although legal recognition of gender diversity exists in Pakistan, the human rights of khwaja sira are not yet fully recognized, as evidenced by the views of religious scholars and community leaders in Khyber Pakhtunkhwa.

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Ethical considerations

The Fordham University Institutional Review Board approved the study under expedited review in September 2022 under protocol #2193. The study

also received ethical review approval from board members at our research partner organization, SEEK. Following a community-based consultation, the research team and collaborating organization agreed on an incentive of 7,000 PKR per interview (approximately US\$25). All participants provided informed consent after having the risks, benefits, and financial incentives orally reviewed with them. To protect participant confidentiality, we did not collect any personally identifiable information. All interviews were conducted in private, confidential settings.

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