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**Implementation of Self-Perceived Identity for Gender Change: Issues of policy coherence and relevance towards transgender welfare in Pakistan**

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**Abstract**

The legal change of gender based on self-perception is a controversial issue. This study aims to examine the relevance and coherence of self-perceived identity in legal policy, particularly in the Transgender (Protection of Rights) Act 2018. The research uses semi-structured interviews and thematic analysis with NVivo software to show the lack of coherency and relevance in the implementation of the self-perception test. The results highlight that socio-cultural, biological conditions, Islamic injunctions, and principles are the main factors considered by all parties before permitting gender change. Future research is recommended for policymakers to evaluate and review.

**Keywords:** Self-perceived identity; policy evaluation; policy coherence & relevance; transgender act 2018

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**1.0 Introduction**

From a medical perspective, there are typically only two sexes, namely male and female. However, due to liberalisation and globalisation, societies started to fight for their rights to have a third gender (but not sex!). Namely transgender. This idea is not totally new or illegal. Pakistan also subscribes to the same thought (Hamza & Siti Hasliah, 2023). In Pakistan, the transgender community is legally protected by the Transgender Persons (Protection of Rights) Act 2018 (from now on, referred to as the Transgender Act). The National Assembly of Pakistan adopted the Transgender Act to improve the welfare and defend the rights of the transgender community. It is a novel piece of legislation that has received both national and international notice (Fazi & Bibi, 2021). This legal instrument was endorsed due to the

distressing condition of transgender communities in Pakistan and the lobbying of activists who fight for the rights of transgender communities. In terms of policymaking, they later became the solid political and problem streams that triggered the policymakers for the better. The objective of the research is to investigate the implementation of self-perceived identity for gender change in Pakistan, focusing on the issues of policy coherence and relevance to the welfare of the transgender community.

### 1.1 Background of Study

Before 2021, there were three categories of gender: male, female, and intersex. A male eunuch is a female who changes her gender to male. On the other hand, a female eunuch is a male who changes his gender to a female. Intersex, or “khunsa mushkil,” is a person with ambiguous biological features whose genital features could not be confirmed at birth. The U.S. National Library of Medicine (2019) divides the intersex into four categories. They are individuals that have (1) the chromosomes and ovaries of a female but the outside genitals of a male; (2) the chromosomes of a man, but his genitals are incompletely formed, ambiguous, or visibly female; (3) both “ovarian” and “testicular” tissues; and (4) an extra chromosome, which causes a complex and undermined intersex.

Table 1 shows Pakistan's transgender data according to the abovementioned categories of gender. The recorded data on transgender people obtainable from the National Database Registration Authority were collected before the enactment of the Transgender Act of 2018 and ended after the passage of the Act in 2020. All of them were registered based on orders of the Supreme Court as a legal guidance and support of law prior to the enactment of the act

Table 1. Transgender Community in Pakistan (National Data Base Regulatory, 2017-2020)

| Gender (other than male and female) | Year        |             |
|-------------------------------------|-------------|-------------|
|                                     | 2017        | 2020        |
| Male Eunuch                         | 1117        | 1,709       |
| Female Eunuch                       | 569         | 766         |
| Intersex ( <i>khunsa mushkil</i> )  | 136         | 170         |
| <b>Total</b>                        | <b>1882</b> | <b>2645</b> |

As seen from Table 1, The number of registered transgender individuals in Pakistan has significantly increased over the past two years. In 2020, there were 1,709 male eunuchs, compared to 569 female eunuchs in 2017. The number of intersex individuals (*khunsa mushkil*) also increased from 136 in 2017 to 170 in 2020. It is important to note that the registration of transgender individuals is based on a consensus and voluntary basis, so the actual number of transgender individuals in the community may be higher than the recorded number.

Table 2 shows the number of gender change applications submitted to the Pakistani Senate by NADRA (National Database and Registration Authority) in 2021. A total of 28,723 people have transitioned to a different gender, with 16,530 applications to change from male to female and 12,154 applications to become male. Only nine applications from male to transgender were registered with NADRA, and there were no official self-declarations from the recorded transgender individuals as either female or transgender. It is worth noting that there were 21 successful cases of transgender conversion to male and nine successful cases of transgender conversion to female.

The 28,723 gender change cases have garnered the government of Pakistan's attention due to the uncertainty raised among intersex groups, leading to unfair use of self-perception in the gender change process. Additionally, there are institutional implementation issues for NADRA to register individuals based on self-perception.

Table 2. Statistical Data for Gender Change Applications (National Data Base Regulatory, 2021)

| No    | Category of Gender Change | Frequency |
|-------|---------------------------|-----------|
| 1     | Male to female            | 16,530    |
| 2     | Female to male            | 12,154    |
| 3     | Male to transgender       | 9         |
| 4     | Female to transgender     | 0         |
| 5     | Transgender to male       | 21        |
| 6     | Transgender to female     | 9         |
| Total |                           | 28,723    |

This research is conducted to bridge the knowledge gap in understanding the transgender phenomena in Pakistan. There are seven sections in the discussion of this research. Section 3 reviews the literature on (i) self-perception as a legal right in the gender change process and (ii) the concept of policy coherence and policy relevance and its practice in policy evaluation. Section 4 describes the research methodology, which is followed by research findings and discussions. Section 5 will conclude this writing and propose recommendations for future study.

## 2.0 Self-perceived gender identity in the gender change process

Self-perceived identity, often referred to as self-identification or self-perception, is a method that enables individuals to assert their gender identity without requiring external validation or medical interventions. This method allows individuals to determine and declare their gender identity, and their legal gender is recognised based on their self-perception. This approach is rooted in the belief that individuals have the right to determine their own gender identity, which should be respected and legally recognised (Pochie, 2019; Gössl & Völzmann, 2019). At

least 24 countries have already used self-perceived identity for assessing the legal gender recognition of transgender. Countries such as Pakistan, Denmark, Malta, Ireland, and Belgium allow individuals to legally change their gender information on official documents based on self-perception only (Hamza & Siti Hasliah, 2023). In the United Kingdom, applicants are required to show their gender dysphoria certificate during the application process, while in India, applicants must undergo hormone therapies and sex reassignment surgeries before changing their gender identity. In the United States, several states, including California, Colorado, and New York, allow individuals to change their gender information on official documents based solely on self-perception without requiring any medical or legal documentation as supporting evidence (Gössl & Völzmann, 2019; Hamza & Siti Hasliah, 2023). The self-perceived gender identity granted and recognised by the Act in Pakistan means that any person at any time may declare that he/ she has changed his/ her sex on self-perception, without any proof of mental or physical condition, hence opening the doors of disturbance into the Pakistani societal norms, Islamic principles and applying the international gay and lesbian agenda (Farhat, N et al., 2020).

The majority of the studies on the implementation of self-perception are studied from a legal perspective. This research will fill this gap by evaluating the relevance and coherence of self-perceived identity in the gender change process.

### 2.1 Policy coherence and relevance

In referring to (Cejudo & Trein (2023), policy coherency can be defined as the synchronisation, cooperation, and consistency of policies across various sectors and levels of governance. Having a coherent policy is crucial as it ensures the consistency and mutually beneficial nature of policy measures and actions implemented by governments and organisations, thereby preventing inconsistencies, contradictions, or adverse outcomes (Cejudo & Trein, (2023). When policies are consistent, they can improve the effectiveness and impact of public initiatives, resulting in better outcomes for society. In contrast, coherent policies can lead to efficiency, conflicting goals, and unintended consequences.

Ensuring policy coherence and relevance is crucial for a comprehensive and effective policy evaluation process. Coherence involves aligning and supporting policies, while relevance ensures that policies remain focused on their objectives and adapt to changing needs. Achieving these factors contributes to better policy outcomes and sustainable development.

### 2.2 Execution of Transgender Act in Pakistan

The Transgender Welfare Policy was established in 2018 by the Punjab Social Protection Authority following the enactment of the transgender act. This policy aims to protect the vulnerable transgender community and offers various policy programs. The policy also identifies the causes of social vulnerability in the community so that potential interventions can be identified and formulated. The Transgender Welfare Policy is executed and enforced through the Transgender Act 2018. Section 3 of the act recognises the "self-perceived" gender identity of individuals in all relevant government documents.

Additionally, Section 3(4) allows transgender individuals to apply for modifications to their existing identity documents to reflect their chosen gender identity (Fazi & Bibi, (021). The act allows anyone, regardless of their biological sex, to self-identify as transgender. Once their applications are accepted, their personal information related to gender is updated.

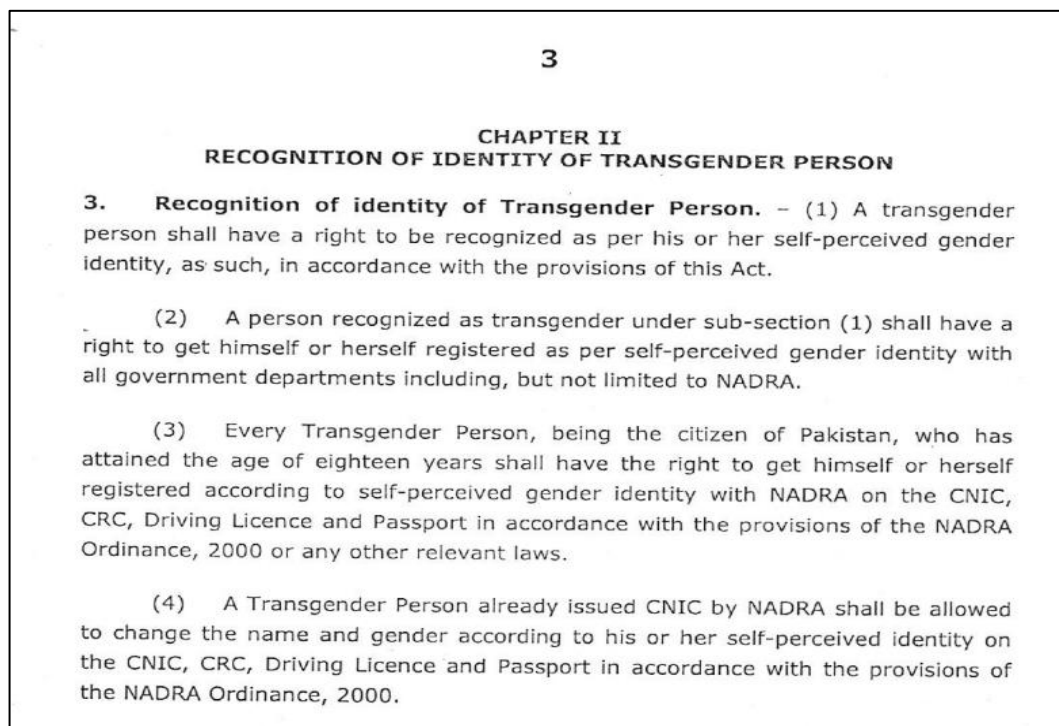


Figure 1. The Recognition of a Transgender Person's Identity Based on Self-perception in the Transgender Act

### 3.0 Methodology

This research was conducted using a qualitative method. It was selected as the most suitable approach in support of research efforts in gaining in-depth knowledge of social occurrences (Yilmaz, 2013). In detail, the researcher wants to investigate the relevancy and coherency of self-perception assessment for gender change in Pakistan. The data were collected using semi-structured interviews. It involved different groups of participants, namely the (1) government officers of NADRA and the Ministry of Human Rights, (2) psychologists, (3) academia, and (4) transgender people. They were purposely selected because of their unique knowledge and experience related to this research. The data was analysed thematically using NVivo version 12. The researchers used a self-developed semi-structured interview as a research instrument. Two subject matter experts validated the contents of the interview. Amendments were made as suggested by them. This process of validation and refinement is typical in qualitative research to ensure the credibility and relevance of the research instruments. Overall, this methodology focuses on the subjective experiences and perceptions of individuals regarding gender change, which is a hallmark of qualitative research that seeks to understand the emotional reality of participants.

### 4.0 Findings

#### 4.1 Demography of Participants

A total of 14 participants were involved in the study, including five government officers, two academic scholars, two psychologists from private agencies, and five transgender people. Two of the transgender people are intersex individuals under the transgender category. Among the transgender people, two have successfully adjusted to their new identity, while another has faced difficulties. These individuals have worked on gender changes for more than four years and have participated in various activities, such as processing and monitoring gender change applications and developing and implementing the Transgender Act. They have also researched the transgender community and provided psychological interventions to transgender people. Additionally, they have implemented the Transgender Welfare Policy.

Table 3. Demographic Profile of Participants

| No. | Participant's Code | Involvement in the Gender Change Process            | Experience |
|-----|--------------------|---|------------|
| 1   | TB                 | Supervise the process of gender change application  | Ten years  |
| 2   | RSK                | Process gender change application                   | 06 years   |
| 3   | AI                 | Develop Transgender Act                             | 12 Years   |
| 4   | KS                 | Conduct research related to transgender communities | 11 Years   |
| 5   | SMH                | Conduct research                                    | 13 Years   |
| 6   | US                 | member Islamic ideological council                  | 11 Years   |
| 7   | CP 1               | Provide psychological interventions to transgender  | 25 Years   |
| 8   | CP 2               | Conduct research                                    | 05 Years   |
| 9   | PSPA               | Implement the Transgender Welfare Policy            | 06         |
| 10  | NK                 | Intersex person                                     | 15 Years   |
| 11  | NTS                | Transgender individual                              | 11 Years   |
| 12  | RS                 | Transgender individual                              | 04 Years   |
| 13  | JL                 | Intersex person                                     | 10 Years   |
| 14  | ZN                 | Applied for gender change                           | 06 Years   |

#### 4.2 Relevancy of Self-perception in the Gender Change Process

The NVivo software categorised the inputs from participants into two main themes: 'relevance' and 'non-relevance'. According to the participants' statements, some aspects of self-perception were deemed relevant, while others were not. When examining the relevance of self-perception, three sub-themes emerged: (1) legal gender recognition, (2) freedom from medical intervention, and (3) gender change application. In contrast, four sub-themes were identified as irrelevant: (1) socio-cultural factors, (2) biological conditions, (3) intersex persons, and (4) constitutional and Islamic principles.

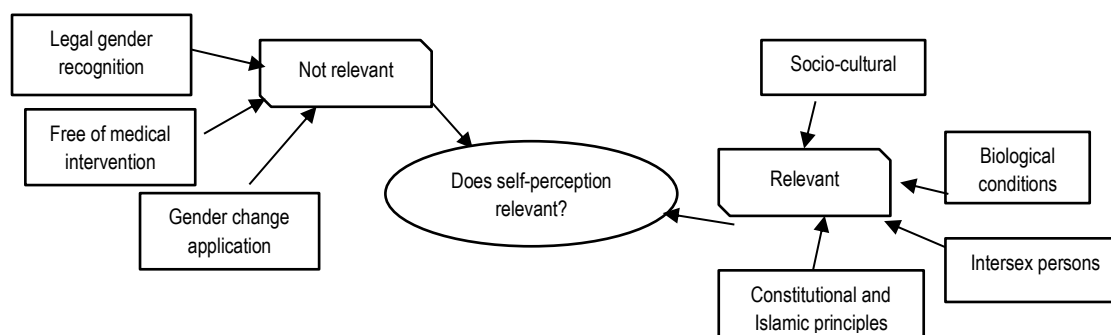


Figure 2. The Relevancy of Using Self-perception in the Gender Change Process

Statements quoted by the participants who accept the idea of self-perceived identity under the sub-theme (Relevant)

1. Legal gender recognition: "Self-perception is giving the explicit right to gender recognition and modification of our gender" – ZN
2. Free of medical intervention: "Self-perception is providing us the opportunity to obtain gender identity cards without any medical proof" – NTK
3. Gender change application: "Self-perception helped me a lot and is still helping me, and it provides some kind of internal satisfaction which is very strong that no one's opinion really matters you" – ZN

Statements quoted by the participants who opposed the idea of self-perceived identity under the sub-theme (non-relevant)

1. Socio-cultural: "Self-perception is not relevant to social and cultural norms because it is destroying the life of an individual. Transgender is known as *khawajasira* in Pakistan, and more than 95% are male born by birth" – NK
2. Biological conditions: "My personal view is that it is not relevant and practical with the biological condition as it is dysphoria or gender identity disorder which can be treated. Gender change must be carried out through scientific evidence, which can be medical examination and psychiatric evaluation" – CP2
3. Intersex persons: "I think this is not the case because Globally, Intersex and transgender are two different terms. One is a psychological disorder, and the other is the medical ambiguity of an individual. I think self-perception is not relevant for all categories, and intersex persons must be diagnosed through the medical board" – TB

#### 4.3 Coherency of Self-perception in the Gender Change Process

Participant inputs were divided into "coherence" and "non-coherence" themes using NVivo. This indicates that while some implementation aspects of self-perception were coherent, some were not, according to the participants' statements. Focusing on the coherency of self-perception, there were two sub-themes generated. The first is the Gender Expressions and Identity of Transgender Persons (Protection of Rights) Act of 2018, and the second is the concept of self. In relation to the lack of coherence in self-perceptions, three sub-themes emerged: Islamic Principle, Initial Gender Recognition Process, and Constitutional Framework, in that order.

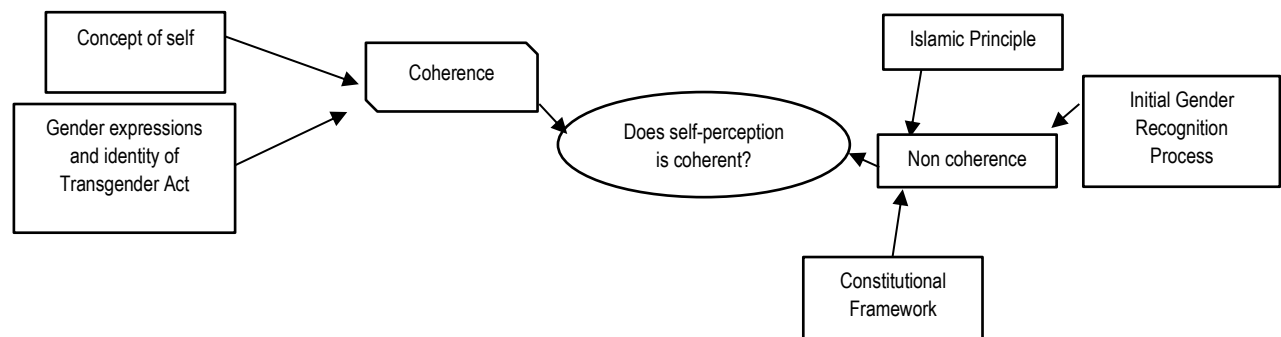


Figure 3. The Coherency of Using Self-perception in the Gender Change Process

Statements quoted by the participants under the sub-themes:

1. Concept of self: "Individual's free will and ability to recognise oneself separate from others. One of the most challenging aspects of the process for those undergoing a gender change can be accepting and embracing their gender identity as a fundamental component of their self-concept." – RS
2. Gender expressions and identity: "Yes, it is coherent. Definitions mentioned in the act. Self-perception of gender identity is often closely related to gender expression, as individuals may express their gender in ways that feel authentic and aligned with their internal sense of self. The Transgender Persons (Protection of Rights) Act, 2018 recognises this and protects the right of transgender individuals to express their gender identity in a way that is consistent with their self-perceived gender identity, without discrimination" – CP2

Statements quoted by the participants who opposed the idea of self-perception under the sub-themes:

1. Islamic Principle: "It is not aligned. I think there are some legal flaws like it is not coherent with Islamic principles as stated by Islamic ideological council, and that's why incoherency has occurred." – RSK
2. Constitutional Framework: "Using Self-perception as a method for gender recognition could stand incoherent with Pakistan's constitution, as it may contradict or challenge the religious or societal norms regarding gender identity in the country; our constitution does not decidedly provide legal recognition to non-binary or transgender people." – SMH

Findings showed that there are two sides of view. The first side demonstrated that (1) the implementation of self-perception is relevant and coherent with the Act, providing them the right of 1) legal gender recognition, 2) without the need for medical interventions, (3) concept and (4) Gender expressions and identity. The opposite side of the argument showed that its implementation is not relevant because (1) it opposed sociocultural values, biological law, and Islamic constitution and principles; (2) the biases of self-perception in decision-making and the relatively easy process make people take advantage of and change their gender information several times to fulfil their self-interest.

## 5.0 Discussions

The previous studies conducted in Latin American states and European countries such as Argentina, Brazil, Norway, and Sweden stress the legal gender recognition based solely on self-determination because it upholds the rights and dignity of transgender people (Cannoot, 2020). By emphasising autonomy in self-perception, the law enables transgender, nonbinary and gender-diverse people to define their own gender identity (Lemma & Savulescu, 2021). In this research, Self-perception is a valuable criterion for assessing the coherence and relevance of gender change. Participants expressed differing views on its implementation, with those who identified as intersex being more likely to reject the idea. From a legal perspective, self-perception appears to align with the Transgender Act 2018. Still, the constitution of Pakistan requires all laws to follow Islamic principles as outlined in the Holy Quran and Sunnah. The participants' statements revealed a lack of consistency between self-perception and these Islamic provisions. The Transgender Protection Rights Act of 2018 includes the concept of self-perceived identity, which could potentially conflict with Islamic principles and make it challenging for society to maintain its cultural attributes. At the same time, the act defines intersex and transgender as two separate terms, but intersex individuals are still referred to as transgender. The transgender community supports the use of self-perception as a method of gender change as it aligns with their emphasis on individual autonomy and self-identity. The constitutional framework emphasises the importance of aligning self-perception with legal and socially acceptable ideas. Most of the participants seemed to reject the concept of self-perception, which underlines the frequent use of the gender change process while indicating the identification of gender through the impuissant self-perceived identity. The research for society implies that it provides a change of gender process within the values and norms (cultural and religious). These norms of society transformed with the inception of the self-perception idea but distorts the legality of self-perception to be used in society.

This research will benefit the legal identification of the intersex community. The paper provides key issues that government policymakers should be aware of when formulating policies while addressing social issues through acts of parliament.

## 6.0 Conclusion & Recommendations

Participants in this study provided insights into the coherence and relevance of self-perceived identity as a method for gender change application, as mentioned in the Transgender Act 2018. All points raised by participants were not contradicted, and they highlighted the strengths of their arguments. The study shed light on different perspectives regarding the use of self-perception in acquiring gender recognition. One group of participants emphasised the benefits of self-perception in the gender change process. However, stakeholders from government agencies, academia, and psychologists believed that the implementation of self-perception in the Transgender Act is inconsistent with Islamic principles mentioned in the constitution of Pakistan. They rejected the use of self-perception as they believed it was damaging the social fabric of society. Therefore, an alternative method of self-perception for gender transformation in Pakistan should be adopted by the medical board. Both perspectives are essential, and policymakers should consider them. Prioritisation should be conducted, and future studies using multi-attribute decision-making approaches may be helpful. The study's limitations are that it focused only on the investigation of the suitability of self-perception as a policy intervention in the gender change process through qualitative interviews. The researcher focused on stakeholders directly or indirectly involved in the implementation of the self-perception method for the gender change process, as the study required participant interviews.

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## Paper Contribution to Related Field of Study

This study focuses on the implementation of self-perceived identity for gender change and discusses relevant issues to ensure coherence. It offers academics and policymakers a valuable opportunity to review the concept of self-perception in the gender change process. The research findings can aid the government in enhancing the process, benefiting the transgender community and society. This crucial research facilitates ongoing evaluations and reviews for policy implementation, promoting gender inclusivity in Pakistan.

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