



Home Office

Country Policy and Information Note **Pakistan: Sexual orientation and** **gender identity or expression**

Version 3.0

July 2019

Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 2 July 2019

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution and/or serious harm by state or non-state actors because of the person's actual or perceived sexual orientation and/or gender identity or expression.

1.2 Points to note

1.2.1 This note provides an assessment of the general situation of gay men, lesbians, bisexuals, trans and intersex persons as well as those perceived as such. They are referred hereafter collectively as 'LGBTI persons', though the treatment and experiences of each group may differ.

1.2.2 In Pakistani law, transgender persons are defined as intersex, eunuchs, transgender men and transgender women (see [Legislation](#)). They are also referred to as 'khawaja sarra' or 'hijras'.

1.2.3 Decision makers must also refer to the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

2.2.1 Decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

2.2.2 For further guidance on the exclusion clauses and restricted leave, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#) and the [Asylum Instruction on Restricted Leave](#).

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2.3 Refugee convention reason

2.3.1 A person's actual or imputed membership of a particular social group (PSG).

- 2.3.2 LGBTI persons in Pakistan form a particular social group (PSG) within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to their identity or conscience that they should not be forced to renounce it, and have a distinct identity which is perceived as being different by the surrounding society.
- 2.3.3 Although LGBTI persons in Pakistan form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed is whether the particular person will face a real risk of persecution on account of their membership of such a group.
- 2.3.4 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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2.4 Risk

a) General points

- 2.4.1 Paragraphs 82 and 35 of the determination of the Supreme Court's ruling in [HJ \(Iran\) and HT \(Cameroon\) v Secretary of State for the Home Department \[2010\] UKSC 31](#) has set out the approach to take and established the test that should be applied when assessing such a claim.
- 2.4.2 For further guidance, see the Asylum Instruction on [Sexual identity issues in the asylum claim](#).

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b) State treatment of LGB persons

- 2.4.3 Section 377 of the Pakistan Penal Code (PPC) does not explicitly refer to same-sex sexual activity, but 'carnal intercourse against the order of nature', which is punishable by a fine and/or imprisonment for a period of two years to life. The Offence of Zina (Enforcement Of Hudood) Ordinance of 1979 criminalises any form of penetration outside of marriage, but voluntary sexual acts between persons of the same gender are not covered by the provisions although they suggest that non-heterosexual sexual acts that involve penetration could be prosecuted and sharia law provisions may punish same-sex sexual acts by death. There is no law prohibiting discrimination on the basis of sexual orientation (see [Legal context](#) and [Law in practice](#)).
- 2.4.4 In practice, the authorities very rarely prosecute cases, but Sections 377 and 294 ('Obscene Acts and Songs') of the PPC has sometimes been used by police as a pretext to arrest, threaten to arrest, harass, intimidate and extort LGBTI persons, particularly men who have sex with men (MSM) and transgender women (see [State attitudes and treatment](#) and [Men who have sex with men \(MSM\)](#)). Health workers and educators, reportedly discriminate against persons because of their actual or perceived gender identity and/or sexual orientation (see [Access to services](#)).
- 2.4.5 Homophobic attitudes also negatively affect how the police handle complaints by LGBTI persons (see [Legal context](#) and [Police response to reports of anti-LGBT violence](#)). The government, however, does not target

persons because of their sexual orientation and / or gender identity, although rogue officials discriminate and commit abuses against LGBTI persons.

- 2.4.6 In general, there is no real risk of persecution by the state. However, each case must be considered on its facts with the onus on the person to demonstrate that they would be at real risk on return.
- 2.4.7 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.4.8 Decision makers must also refer to the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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c) State treatment of transgender persons

- 2.4.9 In 2012, transgender persons were allowed to register as a third gender on their Computerized National Identity Cards (CNICs), enabling them to participate in elections, both as candidates and voters. In 2018, the National Assembly passed the Transgender Persons (Protection of Rights) Bill. This law allows transgender people (defined as intersex, eunuchs, transgender men and women) to register to obtain a driver's license and passport, as well as to change their gender in the national records. Discrimination and harassment of transgender persons is also prohibited under the law (see [Legal context](#)). However, transgender persons have reported humiliating and discriminatory treatment, violence and harassment by police, including sexual violence (see [State attitudes and treatment](#)).
- 2.4.10 Homophobic attitudes also negatively affect how the police handle complaints by LGBTI persons (see [Legal context](#) and [Police response to reports of anti-LGBT violence](#)). The government, however, does not target persons because of their sexual orientation and / or gender identity, although rogue officials discriminate and commit abuses against LGBTI persons.
- 2.4.11 In general, there is no real risk of persecution by the state. However, each case must be considered on its facts with the onus on the person to demonstrate that they would be at real risk on return.
- 2.4.12 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.4.13 Decision makers must also refer to the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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d) Societal treatment

- 2.4.14 Pakistan is a conservative Muslim society in which homophobic attitudes persist. LGBTI persons face societal discrimination as well as family and societal pressure to conform to cultural and religious norms, including marriage (see [Societal attitudes and treatment](#)).
- 2.4.15 Various sources maintain that LGBTI persons are, in general, reluctant to be open about their sexuality as they may face abuse, humiliation, societal

discrimination and harassment, including in the workplace, in the family and in renting an apartment. Some persons from a higher socio-economic background may 'come out' to their family or friends and have access to the 'gay scene' albeit 'underground' but if their sexuality is known, they may be exposed to violence or blackmail. Reasons for not being open may be because the person wishes to conform to societal norms but may also be due to fear of discrimination and/or violence (see [Societal attitudes and treatment](#)).

- 2.4.16 Transgender persons are marginalised or ostracised by their families or wider society and there are numerous reports of violence, intimidation and abuse, particularly against transgender women (see [Societal attitudes and treatment](#)).
- 2.4.17 Advocates for LGBTI persons may also be vulnerable to attack (see [LGBTI rights activists](#) and [LGBTI groups, civil society and human rights NGOs](#)).
- 2.4.18 Whilst each case must be considered on its facts, with the onus on the person to demonstrate that they face a risk, persons who openly express their sexual orientation or gender identity are likely to be at real risk of treatment, which by its nature and repetition, amounts to persecution and/or serious harm.
- 2.4.19 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.4.20 Decision makers must also refer to the Asylum Instruction's on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from state actors, they will not be able to avail themselves of the protection of the authorities.
- 2.5.2 Where the person has a well-founded fear of persecution from non-state actors, decision makers must assess whether the state can provide effective protection.
- 2.5.3 Sources indicate that sexual minorities may be reluctant to report crimes against them for fear of revealing their sexual orientation or because they suspect the response will be inadequate. Whilst there have been some reported cases of persons arrested for crimes against sexual minorities, these arrests are generally only made in cases of serious crime, such as rape or murder, and not for incidences of harassment or homophobia, which usually go unreported due to fear of defamation or maltreatment by the police. Despite the passing of the Transgender Persons (Protection of Rights) Bill 2018, it is reported that police do not provide adequate protection to transgender persons (see [Legal context](#) and [Police responses to reports of anti-LGBTI violence](#)).
- 2.5.4 Same-sex sexual acts are prohibited in Pakistan, and it would be unreasonable to expect a person identifying as LGBTI, who has a well-

founded fear of persecution from non-state actors because of their sexuality, to seek protection from the authorities.

- 2.5.5 In general, the state appears able but unwilling to offer effective protection and the person will not be able to avail themselves of the protection of the authorities. However, each case will need to be considered on its facts.
- 2.5.6 For further guidance on assessing the availability of state protection, see the country policy and information note on [Pakistan: Background, including actors of protection and internal relocation](#), and the Asylum Instruction on [Assessing Credibility and Refugee Status](#).
- 2.5.7 Decision makers must also refer to the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution from state actors, they will not be able to relocate to escape that risk.
- 2.6.2 Where the person has a well-founded fear of persecution from non-state actors, decision makers must determine whether the person could relocate internally to a place where they would not face a real risk of persecution or serious harm and where they can reasonably be expected to stay. Given that homophobic attitudes are prevalent throughout the country and state protection is not generally available there is unlikely to be any place, in Pakistan, to which an LGBTI person could reasonably relocate without making fundamental changes to their behaviour. Each case must be considered on its individual merits.
- 2.6.3 In the case of a lesbian or bisexual woman who has chosen to live discreetly due to social or religious pressures, whether relocation is reasonable will be a question of fact. This will depend largely on the ability of the lone woman and, where relevant, her partner, to survive economically away from family and social networks (see also [Access to services](#) and the country policy and information note on [Pakistan: Women fearing gender-based harm/violence](#)).
- 2.6.4 However, internal relocation will not be an option if it depends on the person concealing their sexual orientation and/or gender identity in the proposed new location for fear of persecution.
- 2.6.5 It would not, in general, be unreasonable for a gay man, who has chosen to live discreetly due to social or religious pressures, to relocate internally within Pakistan. However, internal relocation will not be an option if it depends on the person concealing their sexual orientation and/or gender identity in the proposed new location for fear of persecution.
- 2.6.6 For further guidance on internal relocation, see the country policy and information note on [Pakistan: Background, including actors of protection and internal relocation](#), and the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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2.7 Certification

2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

Section 3 updated: 2 July 2019

3. Legal context

3.1 Constitution

3.1.1 The Pakistan Constitution provisions on a citizen's fundamental rights does not mention sexual orientation or gender identity although certain provisions may impact the constitutional rights of LGBTI persons¹.

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3.2 Legislation

3.2.1 There are no laws prohibiting discrimination on the basis of sexual orientation. There is no legal recognition of same-sex civil unions or marriages, and same-sex couples cannot adopt children².

3.2.2 In 2012, following a 2009 Supreme Court ruling, transgender persons were allowed to register as a third gender on their Computerized National Identity Cards (CNICs)³. The US Department of State's human rights report for 2018 (USSD HR Report 2018) noted '[T]he ruling enabled transgender individuals to participate in elections, both as candidates and voters.'⁴

3.2.3 In 2018, the National Assembly passed the Transgender Persons (Protection of Rights) Bill, 2018, aimed at ensuring rights of transgender persons. The law allows transgender people to register to obtain a driver's license and passport, as well as to change their gender in the national records. Discrimination and harassment of transgender persons is also prohibited under the law⁵.

3.2.4 The Transgender Persons (Protection of Rights) Bill defines a transgender person as a person who is:

- (i) Intersex (Khunsa) with mixture of male and female genital features or congenital ambiguities; or
- (ii) Eunuch assigned male at birth, but undergoes genital excision or castration; or
- (iii) a Transgender Man, Transgender Woman, KhawajaSira [the Urdu language equivalent of transgender⁶] or any person whose gender identity and/or gender expression differs from the social norms and cultural expectations based on the sex they were assigned at the time of their birth⁷.

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¹ Constitution of Pakistan, (Articles 25-27), 1974, [url](#).

² ILGA, 'State-sponsored Homophobia', 2019, [url](#).

³ Government of the Punjab, 'Transgender persons welfare policy', (page 11), August 2018, [url](#).

⁴ USSD, 'Country Report on Human Rights Practices for 2018', (page 46), 13 March 2019, [url](#).

⁵ National Assembly, 'Transgender Persons (Protection of Rights) Act, 2018, [url](#).

⁶ Dawn, 'Engendering rights', 19 July 2017, [url](#).

⁷ National Assembly, 'Transgender Persons (Protection of Rights) Act, 2018, [url](#).

3.3 Criminal/Penal Code

- 3.3.1 The Pakistan Penal Code (PPC) does not specifically refer to homosexuality but deals with actions that go against 'the natural order'. Section 377 states 'Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years nor more than ten years, and shall also be liable to fine ... Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.'⁸
- 3.3.2 In an Independent Advisory Group on Country Information (IAGCI) commissioned review, dated 2015, Dr Matthew Nelson noted that Section 377 of the PPC 'criminalises "carnal intercourse against the order of nature", which is usually read as prohibiting non-heterosexual sexual activity involving any form of penetration.'⁹
- 3.3.3 The Neengar Society, a non-profit organization working in Pakistan for the rights of religious and sexual minorities, told the Research Directorate, Immigration and Refugee Board of Canada (IRB) in 2013, that Section 294 – 'Obscene Acts and Songs' – of the PPC, was sometimes applied to transgender persons and male sex workers¹⁰.
- 3.3.4 Section 294 states 'Whoever to the annoyance of others – a) does any obscene act in any public place, or b) sings, recites or utters any obscene songs, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.'¹¹
- 3.3.5 According to the International Lesbian, Gay, Bisexual, Transgender and Intersex Association (ILGA), Sections 377 and 294 of the PPC related to all genders¹², although Australia's Department of Foreign Affairs and Trade (DFAT) noted, as regards Section 377, that 'Uncertainty around the definition of "carnal intercourse" makes it unclear whether this provision applies to sexual relations between women.'¹³ Dr Matthew Nelson noted in his review for the IAGCI that any form of penetration outside of a conventional understanding of heterosexual sexual contact is criminalised; lesbians and other bisexual or transgender groups are not necessarily exempt from the provisions of either Section 377 of the PPC or the 1979 Offence of Zina (Enforcement of Hudood) Ordinance.¹⁴

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3.4 Sharia law

- 3.4.1 Hudood legislation: In the late 1970s, provisions were introduced to bring the Pakistan Penal Code into conformity with Sharia. The Offence of Zina

⁸ PPC, (Section 377), [url](#).

⁹ IAGCI, 'Review: Country Information and Guidance for Pakistan', 2015. [url](#).

¹⁰ IRB, 'Pakistan: Situation of sexual minorities in Islamabad ...', 13 January 2014, [url](#).

¹¹ PPC, (Section 294), [url](#).

¹² ILGA, 'State-sponsored Homophobia', (page 201), 2019, [url](#).

¹³ DFAT, 'Country Information Report Pakistan', (para 3.217), 20 February 2019, [url](#).

¹⁴ IAGCI, 'Review: Country Information and Guidance for Pakistan', 2015. [url](#).

(Enforcement of Hudood) Ordinance from 1979 specifies penalties for various acts described as crimes against God according to the Koran and Islamic legal tradition; this includes 'zina' or sexual intercourse outside marriage¹⁵. The Offence of Zina (Enforcement Of Hudood) Ordinance of 1979 states under section 4:

'Zina: A man and a woman are said to commit 'Zina' if they wilfully have sexual intercourse without being...married to each other ... Explanation: Penetration is sufficient to constitute the sexual intercourse necessary to the offence of Zina.'¹⁶

3.4.2 As noted by Dr. Matthew Nelson in his 2015 IAGCI review:

'This law does not specifically target LGBT groups. However, insofar as non-heterosexual relationships cannot be legalised in any form of marriage, it suggests that non-heterosexual sexual acts that involve penetration can be prosecuted ...

'[T]he legal punishment for zina (Sections 5 and 17 of the Ordinance) perpetrated by a Muslim is death. (For non-Muslims the punishment is lashing.) The evidentiary requirement for conviction, however, is very high, involving four [male] eyewitnesses [or confession] ...'¹⁷

3.4.3 According to a paper on Sharia law and LGBT rights, by Javaid Rehman and Eleni Polymenopoulou of the Brunel Law School, published in 2013 in the Fordham International Law Journal, 'Regarding the punishment for homosexuality, there is a consensus among the four leading Sunni schools of thought and most Islamic scholars that homosexual acts are a major sin (fahicha) and may be punishable by death.'¹⁸ The IRB noted, in its report covering events between 2017 and January 2019, that according to sources, 'under Sharia law, homosexuals face the death penalty in Pakistan.'¹⁹ The Fordham International Law Journal paper noted '[F]or Islamic scholars who consider that the punishment of homosexuality is equivalent to the punishment for zina, the death sentence, provided the evidentiary requirements are met, may be also applied; married men who are offenders of zina (muhsan) face a mandatory death sentence, while flogging is applied to unmarried men (ghayr muhsan).'²⁰

3.4.4 However, it was LandInfo's (the Norwegian Country of Origin Information Centre) understanding that Sharia law in Pakistan, as opposed Iran and Afghanistan, does not authorise the death penalty for voluntary sex between persons of the same gender. Lifetime imprisonment under Penal Code paragraph 377 thus seems to be the strictest penalty.'²¹

3.4.5 In June 2016, a group of clerics declared marriage between transgender persons permissible in Islam, though stipulating that only transgender

¹⁵ LandInfo, 'Pakistan: Homosexuals and homosexuality', (section 3.1), 3 May 2013, [url](#).

¹⁶ The Offence of Zina (Enforcement Of Hudood) Ordinance, 1979, [url](#).

¹⁷ IAGCI, 'Review: Country Information and Guidance for Pakistan', 2015. [url](#).

¹⁸ Fordham International Law Journal, 'Is Green a Part of the Rainbow?', (page 12), 2013, [url](#).

¹⁹ IRB, 'Pakistan: Treatment of sexual and gender minorities...', 17 January 2019, [url](#).

²⁰ Fordham International Law Journal, 'Is Green a Part of the Rainbow?', (page 12), 2013, [url](#).

²¹ LandInfo, 'Pakistan: Homosexuals and homosexuality', (page 6), 3 May 2013, [url](#).

persons with ‘visible signs’ of being male or female (but not both) may marry someone of the opposite sex²².

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Section 4 updated: 2 July 2019

4. State attitudes and treatment

4.1 Law enforcement

- 4.1.1 The IRB noted in a response dated January 2014, covering 2010 to 2013 events, ‘Several sources indicate that the law [Section 377] is rarely enforced in practice [in cases other than those involving children].’²³ The President of Neengar Society told the IRB that, although Section 377 and 294 laws were rarely enforced, they were ‘used to threaten and blackmail people.’²⁴ DFAT also noted, in its 2019 report ‘Section 377 has rarely been enforced, although police reportedly threaten men with prosecution as a means of extracting a bribe.’²⁵
- 4.1.2 Dr. Matthew Nelson stated that, due to the high evidentiary requirements, ‘LGBT convictions for zina are very rare.’ He added ‘However, the fear of prosecution under Section 377 or the Hudood Ordinance is significant for LGBT individuals, even despite the fact that convictions leading to formal legal punishments are rare.’²⁶
- 4.1.3 ILGA stated in its report of May 2015, ‘We are not aware of contemporaneous evidence that consensual same-sex sexual activity has been targeted for the death penalty in... Pakistan.’²⁷ In its 2017 report, ILGA noted ‘there appears to be no data to suggest the death penalty has been implemented in [Pakistan] for consensual same-sex sexual acts between adults and in private.’²⁸ ILGA noted in 2019 that the death penalty is a ‘possible punishment’ in Pakistan for consensual same-sex sexual acts²⁹.
- 4.1.4 In its response of January 2019, the IRB cited an Agence France-Presse (AFP) article, dated October 2018, which reported that ‘Pakistan has never convicted anyone for homosexual acts.’³⁰

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4.2 Arrests and detention

- 4.2.1 The Neengar Society informed the IRB in December 2013 of a case in which two young men in Punjab were arrested and charged under Section 377. Following up the case in 2013, the Neengar Society was informed that the men were released on bail and that the charges were later dropped due to a

²² Dawn, ‘Fatwa allows transgender marriage’, 27 June 2016, [url](#).

²³ IRB, ‘Pakistan: Situation of sexual minorities in Islamabad ...’, 13 January 2014, [url](#).

²⁴ IRB, ‘Pakistan: Situation of sexual minorities in Islamabad ...’, 13 January 2014, [url](#).

²⁵ DFAT, ‘Country Information Report Pakistan’, (para 3.217), 20 February 2019, [url](#).

²⁶ IAGCI, ‘Review: Country Information and Guidance for Pakistan’, 2015. [url](#).

²⁷ ILGA, ‘State-sponsored Homophobia’, (page 28), May 2015, [url](#).

²⁸ ILGA, ‘State-sponsored Homophobia’, (page 8), May 2017, [url](#).

²⁹ ILGA, ‘State-sponsored Homophobia’, (page 16), 2019, [url](#).

³⁰ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

lack of available witnesses³¹. According to the IRB in 2011 the same organisation had been aware of 10 cases in Punjab prosecuted under Section 377 of the PPC in 2011; 2 of these convictions resulted in 10-year prison sentences³². The Swiss Refugee Council was informed by the Neengar Society in June 2015 that the 2 convicted men had been released from prison following an agreement between their families and the plaintiff [translation]³³.

- 4.2.2 The IRB cited FDI [Forum and Dignity Initiatives] and NAZ Pakistan, who stated in their 2017 UPR (Universal Periodic Review) submission ‘In the last years, many cases have been reported where transgender women in Pakistan have been illegally arrested by the police using provisions of the law that criminalize same sex relationships and they have been charged with cases related to defying the order of nature (unnatural offence against the order of nature), public nascence [sic], unnatural offences and indecent assault.’³⁴
- 4.2.3 CPIT was not able to find more recent information on arrests made against persons accused of same-sex sexual activity at the time of writing in the sources consulted in compiling this note – see [bibliography](#) for full list of sources.

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4.3 Treatment by police

- 4.3.1 In its 2019 report, the IRB cited sources that reported men who have sex with men (MSM) had been extorted by the authorities, including by police³⁵. (see also [Men who have sex with men \(MSM\)](#)).
- 4.3.2 Reporting on transgender women in Khyber-Pakhtunkhwa province, Human Rights Watch (HRW) stated in May 2018 that ‘According to transgender rights groups, on occasions the police have taken transgender women to the police station, they taunted them, forcibly removed their clothing, ordered them to dance, and poured cold water on them when they refused. Those who complained were subjected to more abuse.’³⁶
- 4.3.3 The HRCP report for 2018 noted ‘Transgender people particularly are subjected to harassment, humiliation, and violence by the police, including sexual violence.’³⁷

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4.4 Police response to reports of anti-LGBT violence

- 4.4.1 The 2014 IRB response noted that:

‘According to Al Arabiya News, an English-language news service based in Dubai, most hate crimes against LGBT people in Pakistan are unreported or

³¹ IRB, ‘Pakistan: Situation of sexual minorities in Islamabad ...’, 13 January 2014, [url](#).

³² IRB, ‘Pakistan: Treatment of sexual minorities by society...’, 30 November 2011, [url](#).

³³ Swiss Refugee Council, ‘Pakistan: Situation of homosexuals’, (page 2), 11 June 2015, [url](#).

³⁴ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

³⁵ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

³⁶ HRW, ‘Another Transgender Woman Killed in Pakistan’, 8 May 2018, [url](#).

³⁷ HRCP, ‘State of Human Rights in 2018’, (page 181), 15 April 2019, [url](#).

are out of the public spotlight (24 Aug. 2014). Similarly, the WEWA [Women Employees Welfare Association] representative indicated that in cases in which gay men or lesbians are murdered, the family often does not report the motive of the crime in order to not dishonour the family, or claims it was an “honour killing” or a suicide (31 Dec. 2014).³⁸

4.4.2 The USSD HR Report 2018 noted ‘...crimes (against the LGBTI community) often go unreported, and the police generally take little action when they do receive reports. Outreach by NGOs in KP (Khyber Pakhtunkhwa), however, improved interactions between police and the transgender community there.’³⁹

4.4.3 The IRB report of 2019 cited:

‘The Director of the Neengar Society indicated that “[s]eeking police protection on the grounds of sexual orientation is not possible” in Pakistan and that “[r]elevant clauses do not exist in the Pakistani Penal Code or Code of Criminal Procedure”. However, the same source also stated the following:

“During recent years there have been reported cases of individuals who were arrested for crimes against members of sexual minorities. Although it is important to note that arrests are only made in cases of heinous offences [such as] murder, rape, physical torture, etc. Other cases like sexual harassment, homophobia, and extortion usually go unreported due to victims’ fear of defamation and persecution”.

‘Regarding the obstacles for sexual and gender minorities to report incidents to police, the same source further stated that having one’s “sexual orientation or gender identity [revealed] might increase risks and threats to safety and life of an individual”.⁴⁰

4.4.4 The same report noted:

‘Concerning treatment of transgender persons by law enforcement agencies, FDI and NAZ Pakistan indicate the following:

“The police harass and mock the [t]ransgender complainants, and often make sexual advances. A complaint is rarely registered, and they exhibit an indifferent attitude. The transgender communities feel scared and intimidated by the police and often choose not to report the crimes. The police’s reputation is further tarnished in the community because of its pattern of profiling [transgender persons] and harassing them in public spaces”.⁴¹

4.4.5 According to HRW World Report 2018, covering 2017 events, the Pakistani authorities did not ‘provide adequate protection’ to transgender people or ‘hold perpetrators accountable.’⁴²

4.4.6 The IRB 2019 report added ‘The Nation’s [2017] article on attacks against transgender persons reports that the Pakistani state “does nothing to protect them against the constant attacks they face on a daily basis” ... RFE/RL

³⁸ IRB, ‘Pakistan: Situation of sexual minorities in Islamabad ...’, 13 January 2014, [url](#).

³⁹ USSD, ‘Country Report on Human Rights Practices for 2018’, (page 46), 13 March 2019, [url](#).

⁴⁰ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

⁴¹ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

⁴² HRW, ‘World Report 2018’, 18 January 2018, [url](#).

reports that “[d]ozens of transgender people” protested in Peshawar in August 2018 to demand more protection from violent crimes.⁴³

4.4.7 DFAT noted in February 2019 ‘In January 2018, media reported that nine people raped an 18-year-old transgender person in Peshawar. According to the media report, the victim requested a medical examination, but police failed to register a FIR of the incident and to organise an examination. Human rights advocacy groups, particularly in Khyber Pakhtunkhwa, report many attacks on the transgender community and its property, including abuse in police custody.’⁴⁴

4.4.8 The IRB noted in 2019:

‘Sources indicate that the response of the authorities to complaints by transgender people is inadequate. According to FDI and NAZ Pakistan, “[i]f and when a [police] complaint is registered, the prosecution is weak, and cases take too long to reach completion, as a result of which many people choose not to follow a legal recourse”. PinkNews, a website that covers LGBT issues, cited a transgender activist as stating the following: “Whenever we go to them to register our complaint of any incidence of violence, we are refused our right of lodging [a First Information Report (FIR)]”. Sources also mention incidents in which cases of violence against transgender persons have been reported to police, and in which the police did not pursue a case or take action.’⁴⁵

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4.5 Public statements by government officials

4.5.1 ILGA noted in its 2019 report that ‘Pakistan has been particularly vocal at the Human Rights Council and at various UN fora in its refusal to embrace SOGI within the scope of the various human rights Treaty Bodies, and in its promotion of the “traditional values of humankind” resolutions at the Human Rights Council.’⁴⁶

4.5.2 The same report noted:

‘During its 3rd cycle of the UPR carried out in November 2017, Pakistan received seven SOGIESC [sexual orientation, gender identity, gender expression and sex characteristics] recommendations. It accepted two of them, whilst noting (functionally rejecting) all remaining five.

‘The State accepted recommendations from Albania calling for Pakistan to “ensure that the 2017 law presently being reviewed on the recognition of the rights of intersex and transgender persons pays necessary attention to both women and men transgenders”; and from Spain, urging the State to “rapidly adopt and implement the two draft bills recently presented before the National Assembly to ensure the rights of transgender persons”. However, it noted recommendations from Chile asking the State to “adopt legislative measures to decriminalize homosexuality and consensual sexual relations

⁴³ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

⁴⁴ DFAT, ‘Country Information Report Pakistan’, (para. 3.223), 20 February 2019, [url](#).

⁴⁵ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

⁴⁶ ILGA, ‘State-sponsored Homophobia’, (page 463), 2019, [url](#).

between people of the same sex”]; and from Australia, France, Mexico and the Netherlands, calling the State to take measures to protect the LGBTIQ community from discrimination and violations to their human rights.⁴⁷

- 4.5.3 With regards to freedom of expression on SOGIE issues, the ILGA noted that ‘Section 34 of the Prevention of Electronic Crimes Act (2016) grants the Pakistan Telecommunication Authority the power to remove or block access to content if it considers it necessary in the interest of the glory of Islam, public order, decency, or morality. Prior to this law, the government has already been banning LGB related content online and in the media.’⁴⁸

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4.6 Ombudsman/complaints mechanism(s)

- 4.6.1 The Human Rights Commission of Pakistan (HRCP) stated in its report on the State of Human Rights in 2018, that:

‘In January [2018], for the first time in the history of Pakistan, a commissioner for transgender persons was appointed at the Wafaqi Mohtasib [Ombudsman] Secretariat to redress the grievances of the community, as well as systemic issues, through consultations with key stakeholders, research and studies. The commissioner was also empowered to take suo motu action with prior written approval from the Federal Ombudsman of Pakistan, coordinating with the law enforcement agencies and making efforts for their welfare.’⁴⁹

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Section 5 updated: 2 July 2019

5. Societal attitudes and treatment

5.1 Societal norms

- 5.1.1 The IRB reported in January 2014 that, according to Inter-Press Service, Pakistan’s ‘conservative Muslim society’ views homosexuality as a sin. A survey conducted by the Washington-based Pew Research Centre, published in June 2013, showed that 87% of respondents in Pakistan were of the opinion that ‘homosexuality should be rejected by society’. Several sources indicated that gay men and lesbians were rarely open about their sexual orientation⁵⁰.
- 5.1.2 The News International reported in March 2018 that ‘... children suffering from congenital intersex abnormality, with dominant XX hormones, are surgically converted into females enabling them to lead a normal life with ability for procreation of offspring.’⁵¹ StopIGM.org, an international human rights NGO of survivors and allies fighting Intersex Genital Mutilations (IGM) in children's clinics, and for the right to physical integrity and self-determination for all children born with 'atypical genitalia', or Variations of

⁴⁷ ILGA, ‘State-sponsored Homophobia’, (pages 463-464), 2019, [url](#).

⁴⁸ ILGA, ‘State-sponsored Homophobia’, (p. 209), 2019, [url](#).

⁴⁹ HRCP, ‘State of Human Rights in 2018’, (page 43), 15 April 2019, [url](#).

⁵⁰ IRB, ‘Pakistan: Situation of sexual minorities in Islamabad ...’, 13 January 2014, [url](#).

⁵¹ News International, ‘100 infants with birth defects rehabilitated’, 3 March 2018, [url](#).

Sex Anatomy, criticised the Birth Defects Foundation for describing intersex children in Pakistan as having ‘birth defects’ and for offering surgery to make them ‘normal’⁵².

- 5.1.3 Il Grande Colibri, an activism project in favour of LGBTQI, published an interview with Haseeb Rathore, a gay Muslim living in Lahore, dated September 2018. Haseeb spoke of how gay men in Pakistan spent their lives, stating:

‘Most gay men spend their life in guilt, carrying a burden of sins. In our society they only have two options: one is to come out of the closet and live a horrible life and being bullied; the other is to conceal their sexuality for the rest of their lives. People usually choose the second option. They get married and start living a dual life: one for the family and society, the other for their own satisfaction. This makes life very pathetic and a under continuous threat of being caught. Very few men come out and even when [/] if that happens, they get very little support from family and society.’⁵³

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5.2 Men who have sex with men (MSM)

- 5.2.1 In 2014, the IRB cited a 2002 study of MSM in Lahore by the Naz Foundation International, an advocacy group working with MSM in Pakistan:

‘The frameworks of male to male sex, often substantially divergent and exclusive, involve males who self-identify as zenanas [“a woman in a man's body”], males/men who take the penetrating role in male-to-male sex (known as giryas by zenanas) accessing zenanas, hijras, and at times, adolescent males. These males are usually perceived by giryas as feminised males/females which enables the giryas to maintain his sense of manliness. Other dynamics include males who access other males for discharge and/or desire to be penetrated, males who desire male to male sex and do not gender themselves and usually indulge in mutual sexual activity – “giving and taking”, friends have sex with friends for mutual pleasure, and males in all male institutions.’⁵⁴

- 5.2.2 The European Asylum Support Office (EASO) report on Pakistan, dated August 2015, also noted that zenana have sexual relations with ‘malishia’, described as ‘[...] virile men because of their sexual practices. The term “malishia” refers more to a professional practice of massage and prostitution than to a sexual practice or identity.’⁵⁵

- 5.2.3 DFAT noted in February 2019 ‘While sex between males is common, homosexual identity is not. Strong and widespread cultural, religious and social intolerance of homosexuality means it is not widely discussed or acknowledged in Pakistan.’⁵⁶

⁵² StopIGM.org, ‘Pakistan > Intersex children considered “birth defects”’, 21 July 2018, [url](#).

⁵³ Il Grande Colibri, “Being gay in Pakistan, what a miserable and hard life!”, 20 September 2018, [url](#).

⁵⁴ IRB, ‘Pakistan: Situation of sexual minorities in Islamabad ...’, 13 January 2014, [url](#).

⁵⁵ EASO, ‘Pakistan Country Overview’, (Section 3.5.1), August 2015, [url](#).

⁵⁶ DFAT, ‘Country Information Report Pakistan’, (paras 3.218), 20 February 2019, [url](#).

- 5.2.4 In its 2014 report, the IRB cited a BBC News article from 2013 ‘The BBC described Karachi as a “bustling with same-sex activity” in terms of men having sex with men, however it also indicated that it is difficult for gay men to maintain same-sex relationships, because “sex between men will be overlooked as long as no-one feels that tradition or religion are being challenged”.’⁵⁷
- 5.2.5 The IRB January 2019 report cited sources referring to MSM:
‘AFP reports that, according to the president of NAZ, an LGBT organization in Pakistan, [translation] “90% of Pakistani men are MSM [...] simply because women are not easily accessible”. Without providing further details, the CGRS [Office of the Belgian Commissioner General for Refugees and Stateless Persons] researcher cited in the [2017] EASO meeting report on Pakistan, indicated that “[s]ources stated that it is common for straight men to indulge in Male to Male sex (MSM) and there is general acceptance within [Pakistani] society for this particular act”.’⁵⁸

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5.3 Public and religious views

- 5.3.1 The IRB noted, in a response covering 2014 events, that according to the BBC, ‘homophobia has wide social and religious sanction’ and, according to the International New York Times, discrimination and prejudice against sexual minorities ‘run deep’ in Pakistani society. Other media sources described the gay community in Pakistan as ‘underground’. The Pakistan country advisor for the IGLHRC [now known as OutRight Action International] said that transgender people are the only ‘visible’ sexual minority in Pakistan, while there is ‘a lot of invisibility’ among gay men and lesbians, who keep their sexual orientation hidden. According to a WEWA [Women Employees Welfare Association] representative, no lesbians or gay men could be open about their sexuality and move ‘freely’ in Pakistani society⁵⁹.
- 5.3.2 The ILGA noted in its 2019 report that ‘According to Kaleidoscope Trust, in April 2014, a serial killer confessed to killing three gay men because of their sexual orientation, yet Pakistani media depicted the serial killer as “the epitome of righteousness”.’⁶⁰
- 5.3.3 The EASO report on Pakistan, dated August 2015, using a variety of sources, stated:
‘There are few Pakistani men and women who self-identify as LGBT; those who do, usually belong to the middle or higher classes, live in the big cities and live a double or secret life. Lesbians are even less visible than gay men.
‘Most Pakistanis do not know the meaning of the word “gay” and think it refers to transgender persons. The latter belong to the community of “hijras”, a heterogeneous community of transvestite, hermaphrodite, transsexual, homosexual persons and eunuchs (“khawaja sarra”). Due to rejection by

⁵⁷ IRB, ‘Pakistan: Situation of sexual minorities in Islamabad ...’, 13 January 2014, [url](#).

⁵⁸ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

⁵⁹ IRB, ‘Pakistan: Incidents of violence or mistreatment...’, 9 January 2015, [url](#).

⁶⁰ ILGA, ‘State-sponsored Homophobia’, (page 462), 2019, [url](#).

their families, hijras often live within a structured community governed by a guru and settled in the shanty towns. The hijras make a living through artistic performances and singing and dancing during marriages and carnivals. Some of them consider themselves professional marriage dancers but they are often obliged to survive through begging and prostitution.’⁶¹

- 5.3.4 In its January 2019 report, the IRB presented similar country information as in its 2014⁶² and 2015⁶³ reports on the situation for sexual and gender minorities in Pakistan, in that the gay community was ‘underground’. The IRB 2019 report, quoting from a variety of sources, noted:

‘According to sources, sexual minorities in Pakistan are “deter[re]d from acknowledging” or “reluctant to reveal” their sexual orientation or gender identity. According to a report by the European Asylum Support Office (EASO) of the EU on an October 2017 meeting on Pakistan, citing a Country of Origin (COI) researcher from the Office of the Belgian Commissioner General for Refugees and Stateless Persons (CGRS), the LGBT community in Pakistan operates “behind closed doors”.’⁶⁴

- 5.3.5 The IRB report continued:

‘AFP reports that homosexuality is [translation] “strictly ignored” and that “LGBT associations only openly advocate for transgender rights, which are culturally accepted in Pakistan. They treat homosexuality only in the framework of the fight against AIDS”. In correspondence with the Research Directorate, the Director of the Neengar Society, [...] similarly stated that “[s]exual minorities, except for transgender people, cannot live... openly. There is a clear risk of discrimination, violence, social boycott and degradation in social class and rank. In some cases a serious threat [to] life is also involved”.’⁶⁵

- 5.3.6 The same IRB report added ‘A Pakistani actor, who made an appearance as a crossdresser on a very popular talk show, is cited by AFP as stating the following: [translation] “[w]e live in a culture of hypocrisy. In Pakistan, you can do whatever you want behind closed doors. ... But if you want to let it be known, there will be no tolerance. You will be persecuted”.’⁶⁶

- 5.3.7 When interviewed about gay relationships in Pakistan, Haseeb Rathore, a gay man living in Pakistan, stated in September 2018 ‘Gay relationships are definitely realistic in Pakistan. Sometimes they are carried out from “inside” the closet, sometimes they are publicly open depending on how privileged you are and on how much pressure you can absorb from society and family.’⁶⁷

See also [Family treatment](#).

⁶¹ EASO, ‘Pakistan Country Overview’, (Section 3.5.1), August 2015, [url](#).

⁶² IRB, ‘Pakistan: Situation of sexual minorities in Islamabad ...’, 13 January 2014, [url](#).

⁶³ IRB, ‘Pakistan: Incidents of violence or mistreatment...’, 9 January 2015, [url](#).

⁶⁴ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

⁶⁵ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

⁶⁶ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

⁶⁷ Il Grande Colibri, “Being gay in Pakistan, what a miserable and hard life!”, 20 September 2018, [url](#).

- 5.3.8 DFAT noted in February 2019 ‘Strong and widespread cultural, religious and social intolerance of homosexuality means it is not widely discussed or acknowledged in Pakistan.’ According to the same report, ‘[L]ocal sources say less societal shame is associated with having a lesbian child than a daughter having sex with a male out of wedlock, although stigma remains common.’⁶⁸
- 5.3.9 The USSD HR Report 2018 noted ‘According to a wide range of LGBT NGOs and activists, society generally shunned transgender women, eunuchs, and intersex persons, collectively referred to as “hijras” – a word some transgender individuals view as pejorative, preferring the term “khawaja sira” – who often lived together in slum communities and survived by begging and dancing at carnivals and weddings. Some also were prostitutes.’

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5.4 Family treatment

- 5.4.1 According to research conducted by the IRB and reported in 2019 ‘As with many other issues, the extent of familial and societal discrimination and violence faced by lesbian, gay, bisexual, transgender and intersex (LGBTI) people tends to be inversely proportional to their socio-economic status.’⁶⁹
- 5.4.2 DFAT noted that people attracted to the same sex were often rejected by their families, could be ‘thrown out’ of home and forced into sex work. The same source noted ‘People identifying as LGBTI from wealthy and influential families in large urban centres face less discrimination and violence than poor people in rural areas. Nonetheless, even wealthy individuals face high levels of discrimination, and their families often force them into a heterosexual marriage to preserve the family’s reputation and social standing.’⁷⁰
- 5.4.3 The Director of the Neengar Society told the IRB, in January 2019, that “individuals belonging to low socio-economic groups have limited access to justice, sexual and reproductive health rights and safety” and that out of 150 cases reported to their legal aid center, 135 “belonged to [a] low socio-economic class”.⁷¹
- 5.4.4 Citing Haseeb Rathore, a gay man living in Pakistan, Il Grande Colibri reported in September 2018, ‘Pakistani families discriminate against queer children by believing they have some mental disorder. They keep children away from their relatives, sometimes siblings disown them in public and sometimes queer children, especially transgenders, are thrown out from their parents house.’⁷² The IRB also noted that ‘According to sources, transgender people can be “disowned” by their families.’⁷³ The Neengar

⁶⁸ DFAT, ‘Country Information Report Pakistan’, (paras 3.217-3.218), 20 February 2019, [url](#).

⁶⁹ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

⁷⁰ DFAT, ‘Country Information Report Pakistan’, (paras 3.218-3.219), 20 February 2019, [url](#).

⁷¹ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

⁷² Il Grande Colibri, “Being gay in Pakistan, what a miserable and hard life!”, 20 September 2018, [url](#).

⁷³ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

Society told the IRB in 2013 that ‘Lesbians will be forced to get married and they face pressure from both their in-laws and parent's family.’⁷⁴

- 5.4.5 The 2019 IRB report noted that, according to an AFP report of October 2018 ‘[...] although Pakistan has not convicted sexual minorities on the grounds of anti-homosexuality legislation, the situation is different within families, as [translation] “hundreds of homicides are committed each year in the country in the name of family “honour”.’⁷⁵ The same IRB report also stated ‘Sources also report that “hate crimes” [or “honour killings”] have been committed against transgender people. A transgender independent candidate for the Khyber Pakhtunkhwa provincial assembly told the BBC [in July 2018] that “hate crimes, or so-called honour killings, are the biggest threat to the local transgender community ... “Our own family hires people to murder us”.’⁷⁶
- 5.4.6 The 2019 IRB report cited FDI and Naz Pakistan as reporting ‘[t]ransgender individuals are often responsible for financially supporting their biological families who often resort to abuse, violence and torture to maintain their control over them. Forced marriages, physical and emotional torture are the common forms of abuses against them, recorded by many studies done by various organizations.’⁷⁷

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5.5 Violence and discrimination

- 5.5.1 The IRB noted in January 2019 that sources stated gender and sexual minorities, including transgender persons, were subjected to discrimination and violence, including sexual violence, in Pakistan⁷⁸.
- 5.5.2 As cited by the IRB:
‘The US Department of State's Trafficking in Persons Report 2018 indicates that LGBTI individuals are “exploit[ed]” in sex trafficking and that some victims are offered for sale in “physical markets”. FDI and NAZ Pakistan also note that transgender persons are subjected to trafficking.
‘An article by the UK-based newspaper Manchester Evening News describes the experience of a Pakistani Muslim lesbian who was “beaten, humiliated and threatened because of her sexuality,” stating that she was kicked out of university when her colleagues found out about her sexual orientation. AFP quotes a Pakistani lesbian as stating the following: [translation] “If my family found out, there is no doubt that I would be locked up somewhere, or killed”. While homosexuality is taboo and is [translation] “criminally repressed, ... the first danger comes from relatives, in this conservative Muslim country”.’⁷⁹
- 5.5.3 According to sources cited by the IRB 2019 report, ‘transgender persons are “marginalised” or “ostracized” by society. The BBC reports that “[t]ransgender men ... are barely visible in the public sphere as a result of

⁷⁴ IRB, ‘Pakistan: Situation of sexual minorities in Islamabad ...’, 13 January 2014, [url](#).

⁷⁵ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

⁷⁶ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

⁷⁷ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

⁷⁸ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

⁷⁹ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

the social and cultural expectations of those who are assigned female at birth. Transgender women, meanwhile, are marginalised by society from an early age”.⁸⁰

5.5.4 DFAT noted with regards to violence directed at the trans community:

‘DFAT is also aware of, but cannot verify, a report that 15 people raped a transgender person for 35 consecutive days and then killed the victim. In January 2018, media reported that nine people raped an 18-year-old transgender person in Peshawar.

‘Violent attacks in Khyber Pakhtunkhwa on activists for transgender rights, and on people identifying as transgender and intersex spiked in 2016 [see [LGBTI rights activists](#)]. Transgender advocacy groups report more than 50 transgender people were killed in Pakistan in 2015 and 2016. In September 2016, the National Commission for Human Rights called on the government to investigate attacks against the community.

‘Transgender advocacy groups say the community is especially vulnerable to targeting by organised criminal gangs. They report that at least 44 cases currently before the courts relate to gangs specifically targeting the transgender community for extortion or murder.’⁸¹

5.5.5 Citing media sources, ILGA noted in its 2019 report ‘In August 2017, a transgender person was shot dead by a group of shooters who opened fire on a number of transgender people standing in the street from a vehicle. The shooting occurred after the vehicle had driven past a previous time, with men throwing eggs at the group of trans women.’⁸²

5.5.6 HRW noted in its World Report 2019, covering events of 2018, ‘According to the local group Trans Action, 479 attacks against transgender women were reported in Khyber-Pakhtunkhwa (KP) province in 2018. At least four transgender women were killed there in 2018, and at least 57 have been killed there since 2015.’⁸³ The HRCP report for 2018 cited numerous incidents of violence against transgender persons during the year, the majority of which occurred in KP, but also in Punjab and Sindh provinces. The HRCP added that ‘[T]he nature of violations reported from the Punjab and Sindh appear to demonstrate that it is the rising vigilance of transgender activists in [KP] province that has brought these violations to light, rather than any marked difference in treatment in different parts of the country.’⁸⁴

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5.6 LGBTI rights activists

5.6.1 DFAT reported ‘LGBTI advocacy groups claim the Taliban beheaded LGBTI human rights activists in 2013. They further claim the Taliban captured LGBTI activists and held them for a year in 2014; and captured other LGBTI activists and held them for 75 days in 2017.’⁸⁵

⁸⁰ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

⁸¹ DFAT, ‘Country Information Report Pakistan’, (paras. 3.223-3.225), 20 February 2019, [url](#).

⁸² ILGA, ‘State-sponsored Homophobia’, (page 462), 2019, [url](#).

⁸³ HRW, ‘World Report 2019’, 17 January 2019, [url](#).

⁸⁴ HRCP, ‘State of Human Rights in 2018’, (pages 75-76 and 181), 15 April 2019, [url](#).

⁸⁵ DFAT, ‘Country Information Report Pakistan’, (para 3.226), 20 February 2019, [url](#).

- 5.6.2 Citing media sources, ILGA noted in its 2019 report ‘In May 2016, a transgender activist was killed after being shot eight times and suffering mistreatment at the hospital. ... Two members of Pakistani human rights organisation TransAction Pakistan: Transgender Community Alliance were brutally attacked in Peshawar. On 22 January 2018, trans rights activist Shama was sexually assaulted by nine men and on 17 January 2018, trans rights activist Sonia was shot and injured in Peshawar. They were both attacked for their human rights work.’⁸⁶

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5.7 Pro-LGBT marches/gay pride

- 5.7.1 ILGA noted in its 2019 report ‘In June 2011, the US embassy in Islamabad sponsored and held the first pride parade in the country (within the US Embassy compound). This attracted strong criticism from religious authorities, who called the event “cultural terrorism”.⁸⁷ DFAT noted that the event ‘[...] led to protests from religious groups and the broader community. Since then, international sources note LGBTI groups have participated in and supported several low-key LGBTI events in Pakistan.’⁸⁸
- 5.7.2 In December 2018, the first transgender pride march was held in Lahore in support of transgender rights⁸⁹.

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5.8 Gay ‘scene’ or ‘community’

- 5.8.1 In December 2013, the President of the Neengar Society told the IRB that social media groups and organised meetings in larger cities such as Lahore, Karachi and Islamabad, existed for LGBT persons; however, this culture exists only among the more socially and intellectually elite classes of Pakistan, and there are no openly gay communities in these cities⁹⁰.

See also [Public opinion](#)

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5.9 LGBT websites

- 5.9.1 The 2019 ILGA report noted ‘In September 2013, the first website blocked by the Pakistan Telecommunications Authority was queerpk.com, a site set up to help members of Pakistan’s gay and transgender community socialise and share experiences. According to a spokesperson, it was shut down because “its content was against Islam and norms of Pakistani society”. The moderator of the site was unwilling to challenge the ban out of fear.’⁹¹ As of 7 May 2019, Queer Pakistan could be accessed via its Facebook page⁹².

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⁸⁶ ILGA, ‘State-sponsored Homophobia’, (pages 137 and 462), 2019, [url](#).

⁸⁷ ILGA, ‘State-sponsored Homophobia’, (page 462), 2019, [url](#).

⁸⁸ DFAT, ‘Country Information Report Pakistan’, (para 3.226), 20 February 2019, [url](#).

⁸⁹ Gay Star News, ‘Trans people held the first ever trans pride march...’, 30 December 2018, [url](#).

⁹⁰ IRB, ‘Pakistan: Situation of sexual minorities in Islamabad ...’, 13 January 2014, [url](#).

⁹¹ ILGA, ‘State-sponsored Homophobia’, (page 462), 2019, [url](#).

⁹² Facebook, ‘Queer Pakistan’, n.d., [url](#).

6. Access to services

6.1 Healthcare

- 6.1.1 Citing Gay Star News, the ILGA 2019 report noted ‘In September 2018, the Lahore High Court ruled that public hospitals in Punjab province must provide separate facilities for transgender patients to safeguard their right to privacy and protect them from discrimination and prejudice.’⁹³
- 6.1.2 The HRCP report noted that in November 2018 ‘[T]he Human Rights Minister and the Federal Minister for National Health Services, Regulations and Coordination, inaugurated a separate ward at PIMS Hospital in Islamabad, announcing free treatment and separate doctors for transgender patients.’⁹⁴ However, according to the USSD HR Report 2018 local authorities often denied transgender persons admission to hospitals⁹⁵.
- 6.1.3 According to DFAT, ‘Social stigma also impedes access to health services for sexual minorities.’⁹⁶

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6.2 Accommodation

- 6.2.1 As regards to renting a property, quoting from various sources, the IRB noted in its 2015 report:

‘Sources indicate that if a homosexual couple's sexual orientation is known, they will not be able to rent an apartment in Lahore, Islamabad or Karachi ... Sources indicate that people are even reluctant to rent places to a single man or a single woman in these cities ..., because they do not want their tenant to bring someone else into the home. The president of the Neengar Society noted that the police in Lahore have issued orders not to rent out apartments to tenants without a “proper check,” because of the “conservative culture” and the “increase in terrorism” ... According to the IGLHRC Country Advisor for Pakistan, two men or women might be able to rent a place if they keep their sexual orientation hidden, as it would appear that their motives were for economic reasons, but if they came out about their sexual orientation, “they would definitely have problems and lose their place to stay” ... He noted that he did not know of any specific cases of housing discrimination, because gay men and lesbians keep their sexual orientation hidden. Similarly, the President of the Neengar Society said that since people are not open about their sexual orientation, it is unknown how many lesbian and gay people face housing issues in Lahore, Islamabad and Karachi ... He was aware of a case in Islamabad, in which a male who had undergone sex reassignment surgery was asked to leave the house he rented and find another place to live, as well as a case from Lahore in which

⁹³ ILGA, ‘State-sponsored Homophobia’, (page 462), 2019, [url](#).

⁹⁴ HRCP, ‘State of Human Rights in 2018’, (page 44), 15 April 2019, [url](#).

⁹⁵ USSD, ‘Country Report on Human Rights Practices for 2018’, (page 46), 13 March 2019, [url](#).

⁹⁶ DFAT, ‘Country Information Report Pakistan’, (para 2.26), 20 February 2019, [url](#).

a lesbian couple could not find a place to live because they “looked like boys” ...’⁹⁷

- 6.2.2 The IRB also noted ‘Sources indicate that transgender people in Lahore, Islamabad and Karachi have difficulty accessing housing in good neighbourhoods and usually live in slums ..., “shabby areas near truck workshops” ..., or “in the margins in these cities”...’⁹⁸ The USSD HR Report 2018 noted ‘There were communities of openly transgender women, but they were marginalized and were frequently the targets of violence and harassment.’⁹⁹
- 6.2.3 The IRB report of 2019 noted that according to FDI and NAZ Pakistan, ‘discrimination against transgender persons also includes housing, as “[r]enting a house is particularly challenging as landlords usually refuse to accept them as tenants. Those who do usually extort higher rent and refuse to sign a legal contract”.’¹⁰⁰

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6.3 Employment

6.3.1 According to the IRB report dated 2015:

‘Sources indicate that lesbians, bisexuals and gay men are not open about their sexual orientation at the workplace ... According to the IGLHRC country advisor, if they come out in the open about their sexual orientation, they would “face problems at work” and “would likely face harassment to conform and might lose their jobs” ... The WEWA representative similarly said that LGB people hide their identity at work because it would be “hard for them to continue” their job or they might lose their position if people at work found out ... According to the President of the Neengar Society, when their organization conducted a workshop on gender sensitivity, even though participants were open to having LGBT friends, 43 of 45 participants said they would not want to work with an LGBT person in their office because they wanted to present a “serious and professional environment” of their organization to the public ... He expressed the opinion that this showed that if someone revealed their sexual orientation or gender identity to their colleagues, it would cost the person his or her job ... The WEWA representative said that if LGB people revealed their identity at work, they might also face criminal charges.’¹⁰¹

- 6.3.2 A UN Development Programme (UNDP) report of December 2017, on legal gender recognition in Asia, noted that the 2009 Pakistan Supreme Court judgement established a 2% government job quota for transgender persons. The report cited ‘As a result, a few khwaja siras were hired by the provincial Sindh government in Karachi, by NADRA, and in a government university’s canteen.’¹⁰²

⁹⁷ IRB, ‘Pakistan: Incidents of violence or mistreatment...’, 9 January 2015, [url](#).

⁹⁸ IRB, ‘Pakistan: Incidents of violence or mistreatment...’, 9 January 2015, [url](#).

⁹⁹ USSD, ‘Country Report on Human Rights Practices for 2018’, (page 46), 13 March 2019, [url](#).

¹⁰⁰ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

¹⁰¹ IRB, ‘Pakistan: Incidents of violence or mistreatment...’, 9 January 2015, [url](#).

¹⁰² UNDP, ‘Legal Gender Recognition’, (page 64), 6 December 2017, [url](#).

- 6.3.3 In 2018, sources reported that the first Pakistani transgender news anchor was hired by a private TV station¹⁰³. Reuters reported in April 2019 on the announcement made by chief of police in Sindh province, that transgender persons would be able to serve as duty police officers in the Sindh police force and ‘have the same opportunities as other recruits and perform regular duties in the field.’¹⁰⁴

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6.4 Education

- 6.4.1 In April 2018, the Gender Guardian, a school for the education and vocational training of transgender persons, was opened in Lahore¹⁰⁵. According to the USSD HR Report 2018, local authorities often refused transgender persons access to schools¹⁰⁶.

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Section 7 updated: 2 July 2019

7. LGBT groups, civil society and human rights NGOs

7.1 Government recognition of LGBT NGOs

- 7.1.1 As noted on its website, the ‘Pakistan Transgender Rights Project Foundation is a registered non-governmental non-sectarian, non-political entity. The Foundation came into being on 15th August 2015 and is registered under the Societies Act 1860 on 24th of April, 2017. Pakistan Transgender Rights Project Foundation will play its role as a facilitator for bridging the gap between state and the transgender community as a development entity, as payback to society. Moreover we consider transgender as equal human beings and do not discriminate on the basis of their sexual orientation or the identity.’¹⁰⁷

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7.2 Civil society and support groups

- 7.2.1 DFAT noted in its February 2019 report ‘Given social stigma associated with homosexuality in Pakistan, advocacy efforts on behalf of the LGBTI community generally advance under the umbrella of the transgender community. Those that advocate for the LGBTI community are also vulnerable to attack.’¹⁰⁸
- 7.2.2 The IRB report stated in 2019 ‘The Director of the Neengar Society stated that the Pakistani “government does not support the work of LGBTIQI advocacy organizations”.’¹⁰⁹
- 7.2.3 The IRB report added ‘The July 2018 BBC article reports that “[m]any” transgender persons “seek safety with gurus – leaders of small, scattered

¹⁰³ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

¹⁰⁴ Reuters, ‘Transgender activists hope the change will make police in Sindh...’, 24 April 2019, [url](#).

¹⁰⁵ Dawn, ‘Pakistan’s first-ever school for transgender community...’, 6 April 2018, [url](#).

¹⁰⁶ USSD, ‘Country Report on Human Rights Practices for 2018’, (page 46), 13 March 2019, [url](#).

¹⁰⁷ PTRPF, ‘Introduction’, n.d., [url](#).

¹⁰⁸ DFAT, ‘Country Information Report Pakistan’, (para 3.226), 20 February 2019, [url](#).

¹⁰⁹ DFAT, ‘Country Information Report Pakistan’, (para 3.223), 20 February 2019, [url](#).

transgender communities – who give them food and shelter in return for their service and contribution to the group”. [...] The Director of the Neengar Society stated that currently, there are no organizations providing temporary emergency shelter for sexual minorities¹¹⁰, although DFAT noted ‘Informal shelters exist within the LGBTI community, at the homes of community members.’¹¹¹

7.2.4 The 2019 IRB report cited several organisations offering support and / or advocacy for LGBT persons:

‘The Neengar Society “launched a legal aid center in 2015 to extend paralegal and legal aid, consultation and support to members of sexual minorities”.

‘The Forum for Dignity Initiatives (FDI) is a

“research and advocacy forum working for sexual and gender minorities in Pakistan ... [Their] activism promotes empowerment and understanding through community[-]motivated initiatives to improve the human rights situation of these groups. FDI initiatives include conducting research, advocating for legal rights, raising awareness and building capacity. [They] collaborate with multiple stakeholders including the government, civil society networks and like-minded groups. FDI lobbies and campaigns for voting opportunities. [They] discourage discrimination through the cis-heteronormative society by facilitating dialogues, debates, experience sharing and information dissemination”.

‘The NAZ Male Health Alliance, established in 2011, is an

“LGBT community[-]based organisation in Pakistan, and is providing technical, financial and institutional support for improving the sexual health, welfare and human rights of the LGBT community throughout the country. They do this by providing technical support and capacity[-]building exercises to various stake holders, networks, groups and organisations”.

‘Blue Veins is an NGO working in Khyber Pakhtunkhwa that is “committed to build, strengthen and galvanize women & transgender person[s] collective power for a just and sustainable world - for all”.

‘The Gender Interactive Alliance Pakistan (GIA)

“work[s] for the equality and civil rights of transgender people in Pakistan. ...

“Among [their] foremost projects is to lobby the government of Pakistan for: recognition of transgender people as equal citizens of Pakistan; providing free medical care to transgender people who are routinely denied public healthcare; and enabling entrepreneurship by providing economic opportunities for transgender people who are, by and large, left out of the mainstream economy. [They] also aim to provide a safe space for these people online so that their stories and experiences are not erased from our collective cultural experience”.

‘The Khawaja Sira Society (KSS) was “founded by Naz Male Health Society under the Global Fund Grant Round 9 in 2010 [and] is Pakistan’s first and

¹¹⁰ IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

¹¹¹ DFAT, ‘Country Information Report Pakistan’, (para 3.223), 20 February 2019, [url](#).

biggest transgender community organization with 300,000 members, volunteers and associates across the country”. Their “vision is to ensure that transgender individuals have the same rights [as] their cisgender counterparts”. KSS runs a “comprehensive voluntary counseling and HIV test (VCT) for hijra communities”; 13,000 transgender persons have been registered in KSS's VCT programmes.

‘TransAction, a network that was established by transgender and intersex activists in 2015 to focus on transgender and intersex issues, raises “awareness through education and training to the transgender and intersex community, their families and general society,” in “disadvantaged communities [in] Khyber Pakhtunkhwa and Federally Administrated Tribal Areas (FATA)”.’¹¹²

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¹¹² IRB, ‘Pakistan: Treatment of sexual and gender minorities...’, 17 January 2019, [url](#).

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context
 - Constitution
 - Legislation
 - Criminal/Penal Code
 - Sharia law
- Law in practice
 - Enforcement
- State attitudes and treatment
 - Arrests and detention
 - Treatment by police
 - Police responses to reports of anti-LGBT violence
 - Public statements by government officials
 - Ombudsman/complaints mechanism(s)
- Societal attitudes and treatment
 - Societal norms
 - Men who have sex with men (MSM)
 - Public and religious views
 - Family treatment
 - Violence and discrimination
 - Rights activists
 - Pro-LGBT marches/gay pride
 - Gay 'scene' or 'community'
 - LGBT websites
- Access to services
 - Healthcare
 - Accommodation
 - Employment
 - Education

- LGBT groups, civil society and human rights NGOs
 - Government recognition of LGBT NGOs
 - Civil society and support groups

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Version control

Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from **2 July 2019**

Changes from last version of this note

Updated country information and assessment.

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