

# RESEARCHED AND COMPILED BY THE REFUGEE DOCUMENTATION CENTRE OF IRELAND ON THE 13 NOVEMBER 2024

---

## DISCLAIMER

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. All COI Query Responses are compiled in line with the Common EU Guidelines (2008) and the EUAA Methodology (2023). This response is not and does not purport to be conclusive as to the merit of any particular claim to international protection. Please refer to all documents cited.

---

## COI QUERY RESPONSE

### PAKISTAN – LGBT RIGHTS

In November 2024 the *Office of the United Nations High Commissioner for Human Rights (OHCHR)* reported: “Furthermore, it is concerned about ongoing discrimination, violence, hate speech and hate crimes against lesbian, gay, bisexual, transgender and intersex persons by public and private actors, lack of reporting by victims due to fear of reprisals, and lack of prompt and thorough investigations, leading to impunity for perpetrators.”<sup>1</sup>

The *Federal Office for Migration and Refugees (Germany)* reported in 2024: “It was reported in the press on 22.10.24 that two transgender individuals had been killed in Mardan, in Khyber Pakhtunkhwa province. According to the authorities, investigations are continuing. According to information from Mahi Gula, an NGO which champions the rights of LGBTIQ people, 122 transgender people have been killed in Khyber Pakhtunkhwa province since 2009, without a single conviction in any of these cases.”<sup>2</sup>

The *International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)* in May 2024 stated: “In recent years, detractors have raised challenges against Pakistan's Transgender Persons (Protection of Rights) Act (2018), which provided for some forms of legal gender recognition based on self-determination. Critics argued that the law “contradicts Islamic law”, contending that it not only grants legal recognition to transgender individuals but also extends to gay and lesbian individuals, thereby allegedly “legitimising homosexuality”. In 2022, three identical bills were introduced in an attempt to restrict the 2018 Act.”<sup>3</sup>

---

<sup>1</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR) (7 November 2024) Human Rights Committee: Concluding observations on the second periodic report of Pakistan (Advance unedited version)

<sup>2</sup> Federal Office for Migration and Refugees (Germany) (28 October 2024) Briefing Notes 28 October 2024 - Khyber Pakhtunkhwa: Lethal attack on two transgender people; Attacks and hostilities

<sup>3</sup> International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) (30 May 2024) Laws on Us: A Global Overview of Legal Progress and Backtracking on Sexual Orientation, Gender Identity, Gender Expression, and Sex Characteristics [Pakistan excerpt]

The *International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)* in November 2023 released an overview of LGBT rights in Pakistan stating: “Pakistan presents in many ways a peculiar legal and social situation. Same-sex sexual activity is illegal and considered “unethical and sinful” in the eyes of many in Pakistan. Religious groups and leaders, in particular, are vocal on the matter.”<sup>4</sup>

It also reports: “...concerning trends among State actors and influential conservative groups working to erode existing legal protections. Discrimination, stigma and violence against gender-diverse persons in Pakistan remains rife, [550] and existing protections are seemingly not always enforced. [551] This has arguably allowed a kind of de facto criminalisation of diverse gender identities and expressions to take place in some regions.”<sup>5</sup>

In 2023 *Human Dignity Trust (UK)* released an overview of criminalisation of LGBT People in Pakistan stating: “Same-sex sexual activity is prohibited under the Penal Code 1860...Only men are criminalised under this law.”<sup>6</sup>

*Asia Pacific Transgender Network (APTN)* stated in 2022: “Familial control on women’s sexuality and mobility is common. In the case of lesbian, bisexual and queer (LBQ) women, this extends to domestic violence, forced marriage and corrective rape.”<sup>7</sup>

The *UK Home Office* in 2022 stated: “There is limited information about the extent of the treatment by the state faced by lesbian, gay or bisexual persons who openly express their sexual orientation or gender identity. Most information focusses on trans persons, who are protected under the law and have seen an increased inclusion in government programmes and employment, but they may still face discrimination and abuse by state actors.”<sup>8</sup>

It further states: “Given that homophobic attitudes are prevalent throughout the country there is unlikely to be any place in Pakistan to which a lesbian, gay or bisexual person could reasonably relocate without making fundamental changes to their behaviour.”<sup>9</sup>

The report further highlights: “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 society.”<sup>10</sup>

---

<sup>4</sup> International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) (30 November 2023) Our identities under arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions 2023 [Pakistan excerpt]

<sup>5</sup> Ibid

<sup>6</sup> Human Dignity Trust (UK) (25 October 2023) Countries that Criminalise LGBT People: Pakistan Country Profile (October 2023)

<sup>7</sup> Asia Pacific Transgender Network (APTN) (14 July 2022) Joint Submission on the Situation of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) People in The Islamic Republic of Pakistan, p.6

<sup>8</sup> UK Home Office (13 April 2024) Country Policy and Information Note - Pakistan: Sexual orientation and gender identity and expression (April 2022), p.7

<sup>9</sup> Ibid, p.10

<sup>10</sup> Ibid, p.25

## References

Asia Pacific Transgender Network (APTN) (14 July 2022) *Joint Submission on the Situation of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) People in The Islamic Republic of Pakistan*  
[file:///DBSFS111/home\\$/cxennis/Downloads/JS2\\_UPR42\\_PAK\\_E\\_Annexe1.pdf](file:///DBSFS111/home$/cxennis/Downloads/JS2_UPR42_PAK_E_Annexe1.pdf)

Accessed 13<sup>th</sup> November 2024

Federal Office for Migration and Refugees (Germany) (28 October 2024) *Briefing Notes 28 October 2024 - Khyber Pakhtunkhwa: Lethal attack on two transgender people; Attacks and hostilities*  
[https://www.bamf.de/SharedDocs/Anlagen/EN/Behoerde/Informationszentrum/BriefingNotes/2024/briefingnotes-kw44-2024.pdf?\\_\\_blob=publicationFile&v=2](https://www.bamf.de/SharedDocs/Anlagen/EN/Behoerde/Informationszentrum/BriefingNotes/2024/briefingnotes-kw44-2024.pdf?__blob=publicationFile&v=2)

Accessed 13<sup>th</sup> November 2024

Human Dignity Trust (UK) (25 October 2023) *Countries that Criminalise LGBT People: Pakistan Country Profile (October 2023)*

<https://www.humandignitytrust.org/country-profile/pakistan/>  
[https://ilga.org/downloads/Our Identities Under Arrest 2023.pdf](https://ilga.org/downloads/Our_Identities_Under_Arrest_2023.pdf)

Accessed 13<sup>th</sup> November 2024

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) (30 May 2024) *Laws on Us: A Global Overview of Legal Progress and Backtracking on Sexual Orientation, Gender Identity, Gender Expression, and Sex Characteristics [Pakistan excerpt]*

[https://ilga.org/wp-content/uploads/2024/05/Laws On Us 2024.pdf](https://ilga.org/wp-content/uploads/2024/05/Laws_On_Us_2024.pdf)

Accessed 13<sup>th</sup> November 2024

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) (30 November 2023) *Our identities under arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions 2023 [Pakistan excerpt]*

[https://ilga.org/downloads/Our Identities Under Arrest 2023.pdf](https://ilga.org/downloads/Our_Identities_Under_Arrest_2023.pdf)

Accessed 13<sup>th</sup> November 2024

Office of the United Nations High Commissioner for Human Rights (OHCHR) (7 November 2024) *Human Rights Committee: Concluding observations on the second periodic report of Pakistan (Advance unedited version)*

<https://www.ohchr.org/en/news/2024/11/human-rights-committee-concludes-one-hundred-and-forty-second-session-adopts>

Accessed 13<sup>th</sup> November 2024

(UK Home Office (13 April 2024) *Country Policy and Information Note - Pakistan: Sexual orientation and gender identity and expression (April 2022)*)

<https://www.gov.uk/government/publications/pakistan-country-policy-and-information-notes>

Accessed 13<sup>th</sup> November 2024

## Sources Consulted:

Amnesty International

BBC News

Electronic Immigration Network

European Country of Origin Information Network

Freedom House

Google



Human Rights Watch  
Immigration and Refugee Board of Canada  
Internal Displacement Monitoring Centre  
International Crisis Group  
Lexis Nexis  
Minority Rights Group International  
New Humanitarian  
Online Newspapers  
Refugee Documentation Centre Query Database  
Reliefweb  
United Kingdom Home Office  
United States Department of State  
UNHCR  
Refworld

### **Contact Information**

Refugee Documentation Centre  
Legal Aid Board  
48/49 North Brunswick Street  
Dublin 7  
Ireland

Email: [research@legalaidboard.ie](mailto:research@legalaidboard.ie)