



Home Office

# **Country Information and Guidance**

## **Pakistan: Sexual orientation and gender identity**

**Version 2.0**

**April 2016**

# Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office’s research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

## 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 make recommendations to him about the content of the Home Office’s COI material. 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.

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

# Contents

<b>Guidance</b>	<b>4</b>
1. Introduction .....	4
1.1 Basis of Claim .....	4
1.2 Other points to note .....	4
2. Consideration of Issues .....	4
2.1 Credibility.....	4
2.2 Particular social group (PSG) .....	4
2.3 Assessment of risk .....	5
2.4 Protection .....	6
2.5 Internal relocation .....	6
2.6 Certification .....	6
3. Policy Summary .....	7
<b>Country Information</b>	<b>8</b>
4. Overview.....	8
4.2 Availability of information.....	8
4.3 Terms used in Pakistan .....	9
5. Legal rights .....	9
5.1 General.....	9
5.2 Gay and bisexual men.....	9
5.3 Lesbians and bisexual women .....	12
5.4 Transgender persons .....	13
6. Treatment by, and attitudes of, state authorities .....	14
6.1 Gay men and lesbians.....	14
6.2 Transgender persons .....	16
7. Societal treatment and attitudes .....	17
7.1 General.....	17
7.2 Gay and bisexual men.....	19
7.3 Lesbians and bisexual women .....	19
7.4 Transgender persons .....	21
8. NGOs and support groups .....	23
<b>Version Control and Contacts</b>	<b>25</b>

# Guidance

Updated 20 March 2016

## 1. Introduction

### 1.1 Basis of Claim

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

1.1.2 For the purposes of this guidance, sexual orientation or gender identity includes gay men, lesbians, bisexual and transgender (LGBT) persons though the experiences of each group may differ.

### 1.2 Other points to note

1.2.1 Decision makers should also refer to the [Asylum Instruction: Sexual identity issues in the asylum claim](#).

[Back to Contents](#)

## 2. Consideration of Issues

### 2.1 Credibility

2.1.1 For further guidance on assessing credibility, see the [Asylum 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](#)).

[Back to Contents](#)

### 2.2 Particular social group (PSG)

2.2.1 LGBT persons in Pakistan form a particular social group (PSG) within the meaning of the Refugee Convention because they share a common characteristic that cannot be changed and have a distinct identity which is perceived as being different by the surrounding society.

2.2.2 Although LGBT persons in Pakistan form a PSG, this does not mean that establishing such membership will be sufficient to make out a case to be recognised as a refugee. The question to be addressed in each case will be whether the particular person will face a real risk of persecution on account of their membership of such a group.

2.2.3 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

## 2.3 Assessment of risk

- 2.3.1 Decision makers must establish whether or not the person, if returned to their country of origin, will live freely and openly as a LGBT person. This involves a wide spectrum of conduct which goes beyond merely attracting partners and maintaining relationships with them. If it is found that the person will in fact conceal aspects of his or her sexual orientation/identity if returned, decision makers must consider why the person will do so. If this will simply be in response to social pressures or for cultural or religious reasons of their own choosing and not because of a fear of persecution, then they may not have a well-founded fear of persecution. But if the reason why the person will resort to concealment is that they genuinely fear that otherwise they will be persecuted, it will be necessary to consider whether that fear is well founded.
- 2.3.2 For further information and guidance, see the [Asylum Instruction on Sexual Identity Issues in the Asylum Claim](#).

### State treatment

- 2.3.3 Same-sex sexual acts are illegal in Pakistan. The Pakistan Penal Code does not explicitly refer to homosexuality. However, ‘carnal intercourse against the order of nature’ is punishable under Section 377 of the Penal Code 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 a conventional understanding of heterosexual sexual contact. In practice the authorities rarely prosecute cases, but police use the laws for harassment and extortion. There is no law prohibiting discrimination on the basis of sexual orientation (see [Legal rights](#)).

### Societal treatment

- 2.3.4 Lesbian, gay and bisexual (LGB) persons in Pakistan can be subject to societal discrimination as well as harassment and violence – most commonly within the family – and, depending on the facts of the case, are unlikely to be able to seek effective protection from the authorities (see [Societal treatment and attitudes](#)).
- 2.3.5 Some LGB persons from privileged backgrounds (in that they are in the higher socio-economic groups and reside in cities) may enjoy a degree of openness and some level of acceptance from their family and close friends, provided they live discreetly; if their sexual orientation becomes known outside of these close circles they may be exposed to abuse or blackmail. Most same-sex relationships tend to remain secret due to the social stigma attached (see [Overview](#) and [Societal treatment and attitudes](#)).
- 2.3.6 Transgender persons (also referred to in Pakistan as ‘khawaja sarra’ or ‘hijras’) are often rejected by society and experience discrimination, intimidation and abuse, despite being granted equal rights as Pakistani citizens by the Supreme Court in 2012 (see [Societal attitudes: Transgender persons](#)).
- 2.3.7 Gay rights activists and other persons who openly campaign for gay rights in Pakistan are likely to be at real risk from non-state societal actors and would not be able to seek effective protection from the authorities .

- 2.3.8 See also the [Asylum Instruction on Assessing Credibility and Refugee Status](#). and the [Asylum Instruction on Sexual Identity Issues in the Asylum Claim](#).

[Back to Contents](#)

## 2.4 Protection

- 2.4.1 Where the person's fear is of ill treatment/persecution at the hands of the state, they will not be able to avail themselves of the protection of the authorities.
- 2.4.2 If the person's fear is of ill-treatment/persecution by non-state actors an LGBT person will not be able to avail themselves to the protection of the authorities. This is because same-sex sexual acts are prohibited in Pakistan, and it would be unreasonable to expect a person identifying as LGBT, who fears persecution or serious harm by non-state actors because of their sexuality, to seek protection from the authorities because they may in doing so be at risk of prosecution, persecution or serious harm.
- 2.4.3 For further guidance on assessing the availability or not of state protection the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

## 2.5 Internal relocation

- 2.5.1 Where the person's fear is of ill treatment/persecution at the hands of the state, they will not be able to relocate to escape that risk.
- 2.5.2 Decision makers must also take account that the Supreme Court in the case of [HJ \(Iran\)](#) made the point that internal relocation is not the answer if it depends on the person concealing their sexual orientation in the proposed new location for fear of persecution.
- 2.5.3 With regard to those in fear of non state actors, given that homophobic attitudes are prevalent throughout the country, there is unlikely to be any place in Pakistan to which an LGBT person who would be identified as such could safely relocate. However, if the person would not be identified as LGBT in a different location internal relocation may be viable.
- 2.5.4 See also the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and [Country information and guidance on Pakistan: Background information, including actors of protection, and internal relocation](#) and [Pakistan: Security and humanitarian situation](#).

## 2.6 Certification

- 2.6.1 Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.6.2 For further guidance on certification, see the [Appeals Instruction on Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

[Back to Contents](#)

### 3. Policy Summary

- 3.1.1 Although same sex sexual acts per se are criminalised in Pakistan, in practice the authorities rarely prosecute cases and in general gay men, lesbians and transgender people are not at real risk of prosecution.
- 3.1.2 There is widespread and systematic state and societal discrimination against LGBT persons in Pakistan, including harassment and violence. This treatment may, in individual cases, amount to persecution or a risk of serious harm. No effective protection is provided by the authorities.
- 3.1.3 .Some LGBT persons do however enjoy a degree of openness within their immediate social and/or family circles provided they live discreetly and their sexual orientation does not become known outside of these close circles. Most LGBT do not live openly as LGBT due to the social stigma attached. Each case must therefore be considered on its individual facts.
- 3.1.3 Gay rights activists and other individuals who openly campaign for gay rights in Pakistan are likely to be at real risk of persecution or serious harm from non-state societal actors. They would not be able to seek or obtain effective protection from the authorities or internally relocate to escape any such threat. They are therefore likely to qualify for a grant of asylum.
- 3.1.4 Consideration of the situation for women in general in Pakistan should be taken into account in respect of lesbians, bisexual or transgender women (see the [Country Information and Guidance, Pakistan: Women fearing gender-based harm/violence](#)).

[Back to Contents](#)

# Country Information

Updated 29 February 2016

## 4. Overview

4.1 The information in this section refers to the situation of lesbian, gay, bisexual and transgender (LGBT) persons in general. Where possible information specifically relating to gay and bisexual men, lesbians and bisexual women, and transgender persons, has been provided under discrete subheadings. In looking at the position of lesbians, bisexual women and transgender women, consideration should be given to the status of women in Pakistan society generally (see the [Country Information and Guidance, Pakistan: Women fearing gender-based harm/violence](#)).

### 4.2 Availability of information

4.2.1 The International Gay and Lesbian Human Rights Commission (IGLHRC) noted in its report Human Rights and Transgender People in Pakistan, published February 2008:

‘There is no known grassroots activism among lesbians, gays, bisexuals, transsexuals and transgender (zenana) communities in Pakistan. This lack of activism, the silences around sexualit(ies), and deeply closeted status of most gays and lesbians in Pakistan (many of whom live double lives to avoid revealing their sexual orientation) makes it difficult to accurately assess their living conditions and human rights situation. Anecdotal information from Pakistani gay people who have left the country describes fear, secrecy, isolation, suicides, forced marriage and family and community pressure to conform to heterosexual norms.’<sup>1</sup>

4.2.2 The US Department of State confirmed in the 2014 Country Report on Human Rights Practices (Pakistan), published on 26 June 2015 (USSD 2014 Report) that the availability of accurate information on the situation of LGBT people in Pakistan was limited: ‘Discrimination against LGBT persons was widely acknowledged privately, but insufficient data existed for accurate reporting, due in part to severe societal stigma and fear of recrimination for those who came forward.’<sup>2</sup>

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<sup>1</sup> International Gay and Lesbian Human Rights Commission (IGLHRC) <http://www.iglhrc.org/>, Human Rights and Transgender People in Pakistan – Submission to the UN Universal Periodic Review, published February 2008, [http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/PK/IGLHR\\_PAK\\_UPR\\_S2\\_2008\\_InternationalGayandLesbianHumanRightsCommission\\_uprsubmission.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/PK/IGLHR_PAK_UPR_S2_2008_InternationalGayandLesbianHumanRightsCommission_uprsubmission.pdf), date accessed 16 September 2015

<sup>2</sup> U.S. Department of State, Country Report on Human Rights Practices for 2014: Pakistan, published 26 June 2015, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648#wrapper>, date accessed 16 September 2015



## 4.3 Terms used in Pakistan

### 4.3.1 As noted in the European Asylum Support Office (EASO) report on Pakistan dated August 2015:

'A wide variety of terms exist in Pakistan which define men who have sexual relations with other men (MSM) without them self-identifying, or being identified by others, as homosexuals. "Zenana", ["ladylike men" or "woman in a man's body"], have sexual relations with "girya" (men who take on the penetrating role in MSM) and "malishia", who are considered 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.

'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 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.'

[Back to Contents](#)

## 5. Legal rights

### 5.1 General

5.1.1 There are no laws prohibiting discrimination on the basis of sexual orientation or gender identity.<sup>4</sup> There is no legal recognition of same-sex civil unions or marriages, and same-sex couples cannot adopt children.<sup>5</sup>

### 5.2 Gay and bisexual men

5.2.1 Sexual relations between men are illegal.<sup>6</sup> Section 377 of the Pakistan Penal Code (PPC), originally enacted by the colonial government in the 1860s, states:

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<sup>3</sup> EASO Country of Origin Information Report: Pakistan Country Overview, August 2015 [https://easo.europa.eu/wp-content/uploads/EASO\\_COI\\_Report\\_Pakistan-Country-Overview\\_final.pdf](https://easo.europa.eu/wp-content/uploads/EASO_COI_Report_Pakistan-Country-Overview_final.pdf) (Section 3.5.1), date accessed 18 January 2016

<sup>4</sup> U.S. Department of State, Country Report on Human Rights Practices for 2014: Pakistan, published 26 June 2015, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648#wrapper>, date accessed 16 September 2015

<sup>5</sup> International Lesbian, Gay, Bisexual, Transgender and Intersex Association (ILGA) 'State-sponsored Homophobia', 10<sup>th</sup> Edition, May 2015 (pages 41-45) [http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2015.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2015.pdf), date accessed 17 September 2015

'377. Unnatural offences: 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.'<sup>7</sup>

- 5.2.2 In a report to the Independent Advisory Group on Country Information in 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.'<sup>8</sup>
- 5.2.3 The Immigration and Refugee Board of Canada (IRBC) noted in a response to an information request in January 2014: 'Several sources indicate that the law [Section 377] is rarely enforced in practice [in cases other than those involving children].'<sup>9</sup> The USSD 2014 Report similarly noted that 'the government rarely prosecuted cases'.<sup>10</sup>
- 5.2.4 The Neengar Society, a non-profit organization working in Pakistan for the rights of religious and sexual minorities, informed the IRBC 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 lack of available witnesses.<sup>11</sup> According to the IRBC the same organisation had been aware of ten cases in Punjab prosecuted under Section 377 of the PPC in 2011; two of these

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<sup>6</sup> International Lesbian, Gay, Bisexual, Transgender and Intersex Association (ILGA) 'State-sponsored Homophobia', 10<sup>th</sup> Edition, May 2015 (pages 41-45)  
[http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2015.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2015.pdf), date accessed 17 September 2015

<sup>7</sup> Pakistan Penal Code (Act XLV 1860), Section 377, accessed via [www.pakistani.org](http://www.pakistani.org)  
<http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>, date accessed 17 September 2015

<sup>8</sup> Independent Advisory Group on Country Information (IAGCI). Dr. Matthew Nelson: Review of the Country Information and Guidance for Pakistan: Sexual Orientation and Gender Identity, 2015.  
<http://icinspector.independent.gov.uk/wp-content/uploads/2015/06/IAGCI-Review-Country-Information-and-Guidance-Pakistan-Sexual-Orientation-and-Gender-Identity.pdf>, date accessed 16 October 2015

<sup>9</sup> Immigration and Refugee Board of Canada, 'Pakistan: Situation of sexual minorities in Islamabad, Karachi and Lahore, including treatment by society and authorities; state protection (2010-2013)' [PAK104712.E], 13 January 2014  
<http://www.irb.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455051&pls=1>, date accessed 18 September 2015

<sup>10</sup> U.S. Department of State, Country Report on Human Rights Practices for 2014: Pakistan, published 26 June 2015, section 6,  
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dclid=236648#wrapper>, date accessed 16 September 2015

<sup>11</sup> Immigration and Refugee Board of Canada, Research Directorate, Pakistan: Situation of sexual minorities in Islamabad, Karachi and Lahore, including treatment by society and authorities; state protection (2010-2013) [PAK104712.E], 13 January 2014, accessed via  
[http://www.ecoi.net/local\\_link/268527/383095\\_en.html](http://www.ecoi.net/local_link/268527/383095_en.html), date accessed 4 February 2014

cases resulted in ten-year prison sentences.<sup>12</sup> The Swiss Refugee Council was informed by the Neengar Society in June 2015 that the two convicted men had been released from prison following an agreement between their families and the plaintiff.<sup>13</sup>

- 5.2.5 The Neengar Society also reported to the IRBC that Section 294 – ‘Obscene Acts and Songs’ – of the Pakistan Penal Code, was sometimes applied to transgender persons and male sex workers<sup>14</sup>. 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.’<sup>15</sup>

See Legal rights: [Transgender persons](#)

- 5.2.6 The President of Neengar Society noted that, although Section 377 and 294 laws were rarely enforced, they were ‘used to threaten and blackmail people. Since social stigma and discrimination against LGBT community is more severe in Pakistan, police and other community members threaten the members of LGBT community that they will have them arrested and thrown in jail.’ He stated that LGBT people are mostly arrested for extortion purposes and that case facts may be altered after the police are bribed. The IGLHRC [International Gay and Lesbian Human Rights Commission] concurred, stating that police raids on gay ‘cruising areas’ may be a “common phenomenon,” but charges are rarely pressed as it is common for the police to be bribed with money or sexual favours.<sup>16</sup> See Pakistan: [Country Information and Guidance, Pakistan: Background information, including actors of protection, and internal relocation.](#)

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<sup>12</sup> IRB, Immigration and Refugee Board of Canada, Pakistan: Treatment of sexual minorities by society, government and religious authorities; recourse and protection available (2009-2011), PAK103862.E, 30 November 2011, accessed via <http://www.unhcr.org/refworld/country,COI,IRBC,,PAK,,5072d0a92,0.html>, date accessed 4 February 2014

<sup>13</sup> Swiss Refugee Council. Jessica Garcia: ‘Pakistan: Situation of homosexuals’, 11 June 2015 (translation) <https://www.fluechtlingshilfe.ch/assets/herkunftslander/mittlerer-osten-zentralasien/pakistan/150422-pak-homosexuelle.pdf>, date accessed 16 January 2016

<sup>14</sup> Immigration and Refugee Board of Canada (IRB), Research Directorate, Pakistan: Situation of sexual minorities in Islamabad, Karachi and Lahore, including treatment by society and authorities; state protection (2010-2013) [PAK104712.E], 13 January 2014, accessed via [http://www.ecoi.net/local\\_link/268527/383095\\_en.html](http://www.ecoi.net/local_link/268527/383095_en.html), date accessed 4 February 2014

<sup>15</sup> Pakistan Penal Code (Act XLV 1860), Section 294, accessed via <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>, date accessed 4 February 2014

<sup>16</sup> Immigration and Refugee Board of Canada (IRB), Research Directorate, Pakistan: Situation of sexual minorities in Islamabad, Karachi and Lahore, including treatment by society and authorities; state protection (2010-2013) [PAK104712.E], 13 January 2014, <http://www.irb.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455051&pls=1>, date accessed 4 February 2014

5.2.7 Hudood legislation: In the late 1970s, provisions were introduced to bring the Pakistan Penal Code into conformity with Sharia. The Offence of Zina (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 marriage.<sup>17</sup> 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.'<sup>18</sup>

5.2.8 As noted by Dr. Matthew Nelson in 2015:

'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]. This, at least in part, accounts for the fact that LGBT convictions for zina are very rare.

'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.'<sup>19</sup>

5.2.9 ILGA stated in a 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.' The same report recorded: 'Death penalty for same-sex sexual behaviour codified under Sharia but not known to be implemented for same-sex behaviour specifically: [in] Pakistan.'<sup>20</sup>

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<sup>17</sup> Norwegian Country of Origin Information Centre (Landinfo), 'Pakistan: Homosexuals and homosexuality', 3 May 2013 (section 3.1) [http://www.landinfo.no/asset/2942/1/2942\\_1.pdf](http://www.landinfo.no/asset/2942/1/2942_1.pdf), date accessed 19 January 2016

<sup>18</sup> The Offence of Zina (Enforcement Of Hudood) Ordinance, 1979. (Ordinance No. VII of 1979), [http://www.pakistani.org/pakistan/legislation/zia\\_po\\_1979/ord7\\_1979.html#12](http://www.pakistani.org/pakistan/legislation/zia_po_1979/ord7_1979.html#12) accessed via Pakistani.org, 14 October 2015

<sup>19</sup> Independent Advisory Group on Country Information (IAGCI). Dr. Matthew Nelson: Review of the Country Information and Guidance for Pakistan: Sexual Orientation and Gender Identity, 2015. <http://icinspector.independent.gov.uk/wp-content/uploads/2015/06/IAGCI-Review-Country-Information-and-Guidance-Pakistan-Sexual-Orientation-and-Gender-Identity.pdf>, date accessed 16 October 2015

<sup>20</sup> International Lesbian, Gay, Bisexual, Transgender and Intersex Association (ILGA) 'State-sponsored Homophobia', 10<sup>th</sup> Edition, May 2015 (pages 28 and 29) [http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2015.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2015.pdf), date accessed 17 September 2015

### 5.3 Lesbians and bisexual women

5.3.1 There are divergent opinions on whether Section 377 of the Penal Code applies to sexual relations between women. The President of the Neengar Society advised the IRBC that, since Section 377 of the Penal Code cites 'carnal intercourse', it is not applicable to lesbian couples. The IGLHCR similarly advised that Section 377 applies only to men.<sup>21</sup> According to certain other sources, such as the USSD 2014 Report, all same-sex relations are illegal in Pakistan.<sup>22</sup> 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 PPC or the 1979 Offence of Zina (Enforcement of Hudood) Ordinance.<sup>23</sup>

5.3.2 The ILGHRC has confirmed that the issue of sexual relations between women was "still a very unexplored territory" in Pakistani law.<sup>24</sup>

### 5.4 Transgender persons

5.4.1 In December 2009 the Supreme Court (SC) ruled that a 'third gender' category, other than male or female, was to be included on the national identity card. The government was further directed by the SC to take steps to ensure that transgender people became entitled to inherit property.<sup>25</sup> On 14 November 2011 the SC directed the Election Commission to enrol transgender people as voters and allow them to stand as candidates in parliamentary and other elections.<sup>26</sup> In September 2012 (Constitutional Petition No 43, 2009, SC 25.9.2012) the SC reaffirmed that transgender

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<sup>21</sup> Immigration and Refugee Board of Canada (IRB), Research Directorate, Pakistan: Situation of sexual minorities in Islamabad, Karachi and Lahore, including treatment by society and authorities; state protection (2010-2013) [PAK104712.E], 13 January 2014, <http://www.irb.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455051&pls=1>, date accessed 4 February 2014

<sup>22</sup> U.S. Department of State, Country Report on Human Rights Practices for 2014: Pakistan, published 26 June 2015, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648#wrapper>, date accessed 16 September 2015

<sup>23</sup> Independent Advisory Group on Country Information (IAGCI). Dr. Matthew Nelson: Review of the Country Information and Guidance for Pakistan: Sexual Orientation and Gender Identity, 2015. <http://icsinspector.independent.gov.uk/wp-content/uploads/2015/06/IAGCI-Review-Country-Information-and-Guidance-Pakistan-Sexual-Orientation-and-Gender-Identity.pdf>, date accessed 16 October 2015

<sup>24</sup> Immigration and Refugee Board of Canada (IRB), Research Directorate, Pakistan: Situation of sexual minorities in Islamabad, Karachi and Lahore, including treatment by society and authorities; state protection (2010-2013) [PAK104712.E], 13 January 2014, <http://www.irb.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455051&pls=1>, date accessed 4 February 2014

<sup>25</sup> BBC News, 'Pakistani eunuchs to have distinct gender', 23 December 2009 [http://news.bbc.co.uk/1/hi/world/south\\_asia/8428819.stm](http://news.bbc.co.uk/1/hi/world/south_asia/8428819.stm), date accessed 18 September 2015

<sup>26</sup> Radio Free Europe: 'Supreme Court Ruling Gives Pakistan's Beleaguered Transgender Community New Hope', 20 November 2011 [http://www.rferl.org/content/pakistan\\_beleaguered\\_transgender\\_community\\_given\\_new\\_hope/2439642\\_3.html](http://www.rferl.org/content/pakistan_beleaguered_transgender_community_given_new_hope/2439642_3.html), date accessed 14 January 2016

persons (the Khawaja Sarra in this case) had equal rights with all citizens of Pakistan, including right to life, dignity, property and voting rights.<sup>27</sup> The SC held that government functionaries, both at federal and provincial levels, were bound to act in accordance with these rights.<sup>28</sup> The USSD 2014 Report observed that, following these SC rulings, 'hijras' had been able to obtain accurate national identification cards and to fully participate in the May 2013 general election as candidates and voters.<sup>29</sup>

#### 5.4.2 As commented in the 'Gender and Development Rights in Pakistan' blog in 2015

'Although, this judgement by the Supreme Court was very significant, it did not provide the distinction between congenital eunuchs, transvestites, and transsexuals. All these categories seemed to have been thrown under one category, "transgender." Since homosexuality is shunned by Islam and thereby the society in the Islamic Republic of Pakistan, eunuchs are still ill-treated and viewed with derision because they are still associated with homosexuality in the eyes and hearts of the people.'<sup>30</sup>

#### 5.43 The President of the Neengar Society noted that Section 294 – Obscene Acts and Songs – of the PPC, was also sometimes applied to transgender persons and male sex workers.<sup>31</sup>

[Back to contents](#)

## 6. Treatment by, and attitudes of, state authorities

### 6.1 Gay men and lesbians

#### 6.1.1 According to the US State Department 2014 Human Rights Report for Pakistan, gay men and lesbians rarely revealed their sexual orientation. Discrimination against lesbian, gay, bisexual, and transgender persons was widely acknowledged privately, but insufficient data existed for accurate

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<sup>27</sup> Aurat Foundation, NGO Alternative report on CEDAW, 2012, [http://www.af.org.pk/pub\\_files/1358697993.pdf](http://www.af.org.pk/pub_files/1358697993.pdf), date accessed 5 February 2014

<sup>28</sup> Gender and Development Rights in Pakistan (blog): 'Congenital Eunuchs vs Transgenders', September 2015, date accessed 24 September 2015  
<https://genderanddevelopmentinpakistan.wordpress.com/2015/09/03/congenital-eunuchs-vs-transgenders/>, date accessed 24 September 2015

<sup>29</sup> U.S. Department of State, Country Report on Human Rights Practices for 2014: Pakistan, published 26 June 2015, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dclid=236648#wrapper>, date accessed 16 September 2015

<sup>30</sup> Gender and Development Rights in Pakistan (blog): 'Congenital Eunuchs vs Transgenders', September 2015, date accessed 24 September 2015  
<https://genderanddevelopmentinpakistan.wordpress.com/2015/09/03/congenital-eunuchs-vs-transgenders/>, date accessed 24 September 2015

<sup>31</sup> Immigration and Refugee Board of Canada (IRB), Research Directorate, Pakistan: Situation of sexual minorities in Islamabad, Karachi and Lahore, including treatment by society and authorities; state protection (2010-2013) [PAK104712.E], 13 January 2014, accessed via [http://www.ecoi.net/local\\_link/268527/383095\\_en.html](http://www.ecoi.net/local_link/268527/383095_en.html), date accessed 4 February 2014

reporting on these forms of discrimination, due in part to severe societal stigma and fear of recrimination for those who come forward.<sup>32</sup>

- 6.1.2 The Immigration and Refugee Board of Canada (IRBC) noted in January 2014 that, according to the country advisor of the International Gay and Lesbian Human Rights Commission (IGLHRC), if an LGBT person who faced threats from family or community members went to the police, the police 'may become an accomplice rather than protector.' The IRBC further reported that 'According to the President of Neengar Society, incidents of threats or violence from family members against LGBT people are usually unreported and are resolved within the family; there is usually an unspoken agreement that no one will involve the police, and an LGBT person will not report incidents, even if they are "badly beaten".'<sup>33</sup> The BBC indicated that LGBT issues were usually addressed within the family.<sup>34</sup>
- 6.1.3 In March 2012, all 57 countries belonging to the Organisation of Islamic Cooperation (OIC), including Pakistan, opposed a UN Human Rights Council's resolution on sexual orientation and gender identity and subsequent discussion on discrimination and violence against LGBT persons. In an open letter to the UN Human Rights Council, Pakistani Ambassador to the UN, Zamir Akram, stated that LGBT rights had "nothing to do with fundamental human rights", declared same-sex relationships as "abnormal sexual behaviour" and that "the issue of sexual orientation is unacceptable to the OIC." The letter concluded by saying that "the Member States of the OIC would like to place on record their opposition to the holding of this panel and will not accept its considerations and recommendations."<sup>35</sup> In September 2014, Pakistan was one of 14 nations to vote against a UN resolution opposing LGBT discrimination.<sup>36</sup>
- 6.1.4 A representative of the Women Employees Welfare Association (WEWA) informed the IRBC in 2011 that discrimination by the state of Pakistan against LGBT persons is "encoded, institutionalized and enforced", due to legal

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<sup>32</sup> U.S. Department of State, Country Report on Human Rights Practices for 2014: Pakistan, published 26 June 2015, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648#wrapper>, date accessed 16 September 2015

<sup>33</sup> Immigration and Refugee Board of Canada, 'Pakistan: Situation of sexual minorities in Islamabad, Karachi and Lahore, including treatment by society and authorities; state protection (2010-2013)' [PAK104712.E], 13 January 2014 <http://www.irb.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455051&pls=1>, date accessed 18 September 2015

<sup>34</sup> BBC News, Gay Pakistan: Where sex is available and relationships are difficult, 27 August 2013, <http://www.bbc.co.uk/news/23811826>, date accessed 3 June 2014

<sup>35</sup> UN Watch, Outrage at UN as 56 Islamic States Slam Gays for "Abnormal Sexual Behaviour," Warning UN to Ignore Anti-Gay Violence, 17 February 2012, (Letter to the UN Human Rights Council, 14 February 2012), <http://secure.unwatch.org/site/apps/nlnet/content2.aspx?c=bdKKISNqEmG&b=1316871&ct=11631417>, date accessed 15 January 2016

<sup>36</sup> Immigration and Refugee Board of Canada (IRB): Pakistan: Incidents of violence or mistreatment involving sexual minorities in Islamabad, Karachi and Lahore; loss of employment or inability to rent housing due to sexual orientation (2014) [PAK105027.E], 09 January 2015 [http://www.ecoi.net/local\\_link/295401/416447\\_en.html](http://www.ecoi.net/local_link/295401/416447_en.html), date accessed 18 January 2016

provisions that criminalise same-sex relationships, and the fact that there were no laws prohibiting discrimination on the basis of sexual orientation. The WEWA added that LGBT persons were not accepted legally or socially at either local or national levels, and their rights were infringed within daily existence, employment and education.<sup>37</sup>

See also Legal rights – [Transgender persons](#)

- 6.1.5 In September 2013, the website Queer Pakistan, Pakistan’s first website, providing advice and information to the LGBT community, was blocked by Pakistan’s Telecommunication Authority (PTA) due to its “forbidden content”.<sup>38</sup> A ‘mirrored’ website of Queer Pakistan was also blocked in February 2014. As of 15 January 2016, Queer Pakistan still had a page on Facebook.<sup>39</sup>

[Back to contents](#)

## 6.2 Transgender persons

- 6.2.1 Radio Free Europe/Radio Liberty (RFE/RL) observed in October 2013 that, despite the legal progress that had been made in guaranteeing transgender people the same basic civil rights as other citizens, ‘the plight of Pakistan’s third-gender community is difficult. Discrimination limits employment opportunities, and the transgender minority regularly faces intimidation, humiliation, and abuse.’ RFE/RL reported that the police, together with ‘angry residents of the area’, stormed the homes of members of the transgender community in Peshawar in October 2013, smashing belongings and shouting threats. One victim reported “...look at how these locals, along with police, have attacked our homes. They destroyed our household items and beat us badly. Some of our friends are now in the hospital.”<sup>40</sup>

- 6.2.2 The USSD 2014 Report stated:

‘On May 10 [2014], a group of men attacked and gang-raped a transgender woman in Karachi. Activists claimed police refused to conduct a thorough investigation despite having photographic evidence and contact information for one of the accused assailants. According to media reports, a transgender woman died in police custody after her arrest on October 23 [2014] in Bhawalpur. Police officials claimed the victim’s death was an accident related

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<sup>37</sup> Immigration and Refugee Board of Canada, Pakistan: Treatment of sexual minorities by society, government and religious authorities; recourse and protection available (2009-2011) PAK103862.E, 30 November 2011, accessed via <http://www.unhcr.org/refworld/country,COI,IRBC,,PAK,,5072d0a92,0.html>, date accessed 4 February 2014

<sup>38</sup> BBC News, Pakistan blocks first gay website Queerpk.com, 25 September 2013, <http://www.bbc.co.uk/news/world-asia-24276142>, date accessed 6 February 2014

<sup>39</sup> Facebook: Queer Pakistan <https://www.facebook.com/Humjins> date accessed 15 January 2016

<sup>40</sup> Radio Free Europe/Radio Liberty, Despite Gains, Pakistan’s Transgender Community Under Attack, 26 October 2013, <http://www.rferl.org/content/pakistan-transgender-eunuchs/25148690.html>, date accessed 16 September 2015.



to her attempt to escape, but members of the transgender community claimed the arresting officers beat her.’<sup>41</sup>

- 6.2.3 The Guardian reported on 9 May 2013 that in Pakistan’s national elections, held in May 2013, a small number of transgender persons stood as candidates for election in the provincial assemblies.<sup>42</sup>

[Back to contents](#)

## 7. Societal treatment and attitudes

### 7.1 General

- 7.1.1 The Immigration and Refugee Board of Canada (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 per cent 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 orientation.<sup>43</sup>
- 7.1.2 The Canadian IRB noted in a report of 9 January 2015 that, according to the BBC, “homophobia has wide social and religious sanction” and that 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 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 representative, no lesbians or gay men could be open about their sexuality and move “freely” in Pakistani society. According to the IGLHRC and WEWA representatives, LGBT people faced discrimination in the workplace and in finding rented apartments.<sup>44</sup>
- 7.1.3 The NGO ‘O Pakistan’ interviewed 41 LBT people between December 2010 and March 2012 and reported:

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<sup>41</sup> U.S. Department of State, Country Report on Human Rights Practices for 2014: Pakistan, published 26 June 2015, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648#wrapper>, date accessed 16 September 2015

<sup>42</sup> The Guardian <http://www.guardian.co.uk/>, Pakistan’s once-ridiculed transgender community fight elections for first time, 9 May 2013 <http://www.guardian.co.uk/world/2013/may/09/pakistan-transgender-elections-campaign-trail>, date accessed 6 February 2014

<sup>43</sup> Immigration and Refugee Board of Canada, ‘Pakistan: Situation of sexual minorities in Islamabad, Karachi and Lahore, including treatment by society and authorities; state protection (2010-2013)’ [PAK104712.E], 13 January 2014 <http://www.irb.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455051&pls=1>, date accessed 18 September 2015

<sup>44</sup> Immigration and Refugee Board of Canada (IRB): Pakistan: Incidents of violence or mistreatment involving sexual minorities in Islamabad, Karachi and Lahore; loss of employment or inability to rent housing due to sexual orientation (2014) [PAK105027.E], 09 January 2015 [http://www.ecoi.net/local\\_link/295401/416447\\_en.html](http://www.ecoi.net/local_link/295401/416447_en.html), date accessed 18 January 2016

'The most widely reported violence was emotional violence, ranging from sexually explicit verbal abuse in the streets to intense humiliation and psychological torture in the home. However, where physical and sexual violence were reported, the violence was often extreme and heinous.

'Physical violence was often part of the repressive environment in the home ... Some are even killed by their relatives.

'Some of the LBT individuals survived family and marital violence by creating alternative systems of support among their friends.

'The people we spoke to had suffered sexual violence ranging from sexual and lewd comments, unwanted touching and grabbing, to sexual molestation and rape.

'State actors often exert violence against LBT individuals and fail to protect LBT people from other non-State perpetrators. This creates a climate of permissiveness, where community members feel justified in their violence or discrimination of those who do not gender-conform.'<sup>45</sup>

7.1.4 The Canadian IRB quoted an IGLHRC advisor as saying that violence against LGBT people is most common within the family and that "men and women who are sexually non-conforming may be subject to beatings and confinement by their families". The IGLHRC advisor added that "gang violence" against people who appear to be gay or transgender was "common"; he explained that in the "gay cruising" areas of Islamabad, Karachi and Lahore, gay or transgender people were "frequently" lured into cars and taken to groups who beat and/or raped them. According to the IGLHRC, there were three cases in 2014 in which men were picked up in the gay cruising areas in Lahore and then killed. Partner violence among gay and transgender men was also "common". When someone's sexual orientation becomes known, he or she is frequently subject to blackmail. According to Al Arabiya News, an English-language news service based in Dubai, most hate crimes against LGBT people in Pakistan are unreported or are "out of the public spotlight".<sup>46</sup>

7.1.5 The European Asylum Support Office (EASO) in a report of August 2015, cited certain external sources (in French) as follows: 'In the large cities of Lahore, Karachi and Islamabad, where many LGBT persons prefer to live, they might be accepted by their relatives and live as a couple. In these cities, two unmarried people of the same sex can live together but are exposed to violence or blackmail if the nature of their relation[ship] is known.'<sup>47</sup> The

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<sup>45</sup> O Pakistan: 'Pakistan: "Where I Can Actually Be Me" Experiences of violence and discrimination', 2013 (via Outright International)  
<https://www.outrightinternational.org/sites/default/files/PakistanCC.pdf>, date accessed 16 January 2016

<sup>46</sup> Immigration and Refugee Board of Canada (IRB): Pakistan: Incidents of violence or mistreatment involving sexual minorities in Islamabad, Karachi and Lahore; loss of employment or inability to rent housing due to sexual orientation (2014) [PAK105027.E], 09 January 2015  
[http://www.ecoi.net/local\\_link/295401/416447\\_en.html](http://www.ecoi.net/local_link/295401/416447_en.html), date accessed 18 January

<sup>47</sup> EASO Country of Origin Information Report: Pakistan Country Overview, August 2015

President of the Neengar Society informed the Canadian IRB that ‘there are LGBT social media groups and organized meetings in cities like Lahore, Karachi and Islamabad, but that this culture exists "only among the upper middle class, elite and intellectual elite class of Pakistan".’ . The New York Times similarly indicated in 2012 that those who self-identified as LGBT in Pakistan tended to be urban, well-educated, and from the middle or upper-middle classes.<sup>48</sup>

See also Section 4: [Overview](#) and Pakistan: Country Information and Guidance for Pakistan: [Background information, including actors of protection, and internal relocation](#)

[Back to Contents](#)

## 7.2 Gay and bisexual men

7.2.1 The Canadian IRB reported that, according to various media sources, Pakistani society and families expect men to get married and have families regardless of sexual orientation. According to an IGLHRC country advisor, young men or boys that identify as gay typically face expulsion from the family home if they do not relinquish their sexual orientation.<sup>49</sup>

7.2.2 ‘ In April 2014 a serial killer was arrested and confessed to killing three gay men in Lahore due to their sexual orientation. According to an uncorroborated report from Al Arabiya News in Dubai, the killer was depicted as “the epitome of righteousness” by news outlets in Pakistan.<sup>50</sup>

[Back to Contents](#)

## 7.3 Lesbians and bisexual women

7.3.1 According to sources consulted by the Immigration and Refugee Board of Canada (IRBC), lesbians in Pakistan were said to be “invisible”. The President of Neengar Society said that the situation for lesbians in Pakistan was particularly difficult. He explained: “Because of the situation of women's rights in Pakistan, lesbians rarely get access to good education, awareness about human rights or even their own sexuality. Lesbians will be forced to get

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[https://easo.europa.eu/wp-content/uploads/EASO\\_COI\\_Report\\_Pakistan-Country-Overview\\_final.pdf](https://easo.europa.eu/wp-content/uploads/EASO_COI_Report_Pakistan-Country-Overview_final.pdf) (Section 3.5.1), date accessed 18 January 2016

<sup>48</sup> Immigration and Refugee Board of Canada, ‘Pakistan: Situation of sexual minorities in Islamabad, Karachi and Lahore, including treatment by society and authorities; state protection (2010-2013)’ [PAK104712.E], 13 January 2014

<http://www.irb.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455051&pls=1>, date accessed 18 September 2015

<sup>49</sup> Immigration and Refugee Board of Canada (IRB), Research Directorate, Pakistan: Situation of sexual minorities in Islamabad, Karachi and Lahore, including treatment by society and authorities; state protection (2010-2013) [PAK104712.E], 13 January 2014, <http://www.irb.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455051&pls=1>, date accessed 15 January 2016

<sup>50</sup> Immigration and Refugee Board of Canada (IRB): Pakistan: Incidents of violence or mistreatment involving sexual minorities in Islamabad, Karachi and Lahore; loss of employment or inability to rent housing due to sexual orientation (2014) [PAK105027.E], 09 January 2015 [http://www.ecoi.net/local\\_link/295401/416447\\_en.html](http://www.ecoi.net/local_link/295401/416447_en.html), date accessed 18 January 2016

married and they face pressure from both their in-laws and parent's family".<sup>51</sup> The ILGHRC observed that it was possible for two women to share a home in Pakistan, though not as openly intimate partners.<sup>52</sup>

7.3.2 The 2013 report by the NGO 'O Pakistan', following interviews of 41 LGB people, noted:

'[P]hysical violence in the natal family (family of origin) was disturbingly common, triggered by disobeying social and cultural expectations, gender non conformity, rebelling against repressive gender practices, being caught in homosexual activity, or being discovered in a homosexual relationship. Some are even killed by their relatives.

'Perpetrators of family violence were usually parents, supported by siblings and, in joint family homes, extended family members as well.'<sup>53</sup>

7.3.3 The IRBC further noted in their report dated 9 January 2015:

'Both the WEWA [Women Employees Welfare Association] representative and the IGLHRC country advisor said that lesbians are more vulnerable than gay men in terms of accessing housing and employment ... The WEWA representative said that lesbians face more violence, and a greater chance of losing their housing or job if their sexual orientation is revealed. The IGLHRC country advisor said that, regardless of sexual orientation, women face a lot more challenges accessing housing and employment, and may be subject to sexual harassment ... He explained that women who wish to live alone are viewed "suspiciously" by landlords.'<sup>54</sup>

7.3.4 According to EASO, August 2015:

'Lesbian or bisexual women who were forced to marry told ILGA and the Pakistani NGO named 'O' that they were physically and sexually assaulted by their husbands. Both organisations [said] that lesbians are victims of sexual insults in public, humiliation, and psychological abuse by their families and

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<sup>51</sup> Immigration and Refugee Board of Canada (IRB), Research Directorate, Pakistan: Situation of sexual minorities in Islamabad, Karachi and Lahore, including treatment by society and authorities; state protection (2010-2013) [PAK104712.E], 13 January 2014, <http://www.irb.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455051&pls=1>, date accessed 15 January 2016

<sup>52</sup> International Gay and Lesbian Human Rights Commission (IGLHRC) <http://www.iglhrc.org/>, Human Rights and Transgender People in Pakistan – Submission to the UN Universal Periodic Review, published February 2008, <http://www.iglhrc.org/binary-data/ATTACHMENT/file/000/000/73-1.pdf>, date accessed 4 February 2014

<sup>53</sup> O Pakistan: 'Pakistan: "Where I Can Actually Be Me" Experiences of violence and discrimination', 2013 (via Outright International) <https://www.outrightinternational.org/sites/default/files/PakistanCC.pdf>, date accessed 16 January 2016

<sup>54</sup> Immigration and Refugee Board of Canada (IRB): Pakistan: Incidents of violence or mistreatment involving sexual minorities in Islamabad, Karachi and Lahore; loss of employment or inability to rent housing due to sexual orientation (2014) [PAK105027.E], 09 January 2015 [http://www.ecoi.net/local\\_link/295401/416447\\_en.html](http://www.ecoi.net/local_link/295401/416447_en.html), date accessed 18 January 2016

may face sexual and physical violence, often in extreme form. Other sources confirm[ed] this and report[ed] marital rape as well.’<sup>55</sup>

7.3.5 Based on interviews of 17 lesbian and bisexual women between December 2010 and March 2012, ‘O Pakistan’ reported:

‘In the case of lesbian and bisexual women, the emotional violence and mistreatment sometimes stemmed from being women. They were subjected to misogynistic treatment, and they experienced neglect and actions that invisibilised their existence, desires, and choices. The lesbians we talked to reported emotional, psychological and economic negligence ... emotional violence was the most reported form of violence.

‘Lesbian women reported verbal abuse by family members as well as their acquaintances and peer groups.

‘Notions of the absolute necessity of marriage are linked to respectability, being a good daughter and even a good Muslim ... Some lesbians and bisexual women entered heterosexual marriage to escape violence in the natal home ... [but] violence also took place in the marital home.

‘Most of the lesbians we talked to were not “out” to their families.’<sup>56</sup>

[Back to Contents](#)

## 7.4 Transgender persons

7.4.1 The USSD 2014 Report stated:

‘Society generally shunned transgender, eunuchs, and hermaphrodites, referred to as “hijras,” who often lived together in slum communities and survived by begging and dancing at carnivals and weddings. Some also were involved in prostitution. Local authorities often denied hijras places in schools or admission to hospitals, and landlords often refused to rent or sell property to them. Hijras’ families often denied them their fair share of inherited property.’<sup>57</sup>

7.4.2 Radio Free Europe/Radio Liberty reported in October 2013 that discrimination still occurred and that the transgender community still faced regular intimidation, humiliation, and abuse, despite a 2009 Supreme Court ruling that a third gender category be included on national identity cards. The widespread discrimination limits their employment opportunities. Many also became the victims of extortion, sexual violence, and criminal gangs. This

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<sup>55</sup> EASO Country of Origin Information Report: Pakistan Country Overview, August 2015 [https://easo.europa.eu/wp-content/uploads/EASO\\_COI\\_Report\\_Pakistan-Country-Overview\\_final.pdf](https://easo.europa.eu/wp-content/uploads/EASO_COI_Report_Pakistan-Country-Overview_final.pdf) (Section 3.5.1), date accessed 18 January 2016

<sup>56</sup> O Pakistan: ‘Pakistan: “Where I Can Actually Be Me” Experiences of violence and discrimination’, 2013 (via Outright International) <https://www.outrightinternational.org/sites/default/files/PakistanCC.pdf>, date accessed 16 January 2016

<sup>57</sup> U.S. Department of State, Country Report on Human Rights Practices for 2014: Pakistan, published 26 June 2015, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236648#wrapper>, date accessed 16 September 2015

report cited a member of the Khyber Pakhtunkhwa provincial assembly as equating their lifestyle with homosexuality and saying that the very idea of a “third gender” is un-Islamic.<sup>58</sup> The Aurat Foundation reported in 2012 that transgender people were often abandoned by their families, had low access to education and the jobs market, and were among the most marginalised and sexually vulnerable communities of Pakistan with little or no defence against sexual and other forms of violence.<sup>59</sup>

7.4.3 The 2013 report by the NGO ‘O Pakistan’ noted:

‘Transgender men and lesbians with a masculine gender presentation reported experiencing verbal harassment. They rarely reported physical violence in public. Those who did report it spoke about unwanted sexual touching in public spaces. Khwajasaras, on the other hand, reported that most of the violence they experienced occurred in the public sphere, often on the streets during the course of their work, such as toli (begging), street dancing and/or sex work. They reported a great deal of verbal ridicule and verbal abuse, which frequently led to physical and sexual violence.’<sup>60</sup>

7.4.4 Gay Star News reported in December 2013 that a Pakistani TV news reporter from the Abb Takk news station had ‘invaded the home of a couple she claimed are in a “gay” relationship, leading to their arrests.’ The story was headlined as ‘Male and she-male living as husband and wife’ and flashed up offensive captions, saying LGBT people are “worthy of stoning” and “cause AIDS”.<sup>61</sup>

7.4.5 The IGLHRC reported in 2014 that a khawaja sarra in Lahore said in an interview that she experienced everyday harassment on the street, such as lewd comments, jokes, and unwanted touching. She stated that she had been gang raped by drunken men at a party for which she had been hired as a dancer. The same report noted that a khawaja sarra from Karachi said she had been physically and sexually assaulted by strangers on the street as well as by police officers<sup>62</sup>

[Back to Contents](#)

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<sup>58</sup> Radio Free Europe/Radio Liberty, Despite Gains, Pakistan's Transgender Community Under Attack, 26 October 2013, <http://www.rferl.org/content/pakistan-transgender-eunuchs/25148690.html>, date accessed 16 September 2015.

<sup>59</sup> Aurat Foundation, NGO Alternative report on CEDAW, 2012, [http://www.af.org.pk/pub\\_files/1358697993.pdf](http://www.af.org.pk/pub_files/1358697993.pdf), date accessed 5 February 2014

<sup>60</sup> O Pakistan: ‘Pakistan: “Where I Can Actually Be Me” Experiences of violence and discrimination’, 2013 (via Outright International) <https://www.outrightinternational.org/sites/default/files/PakistanCC.pdf>, date accessed 16 January 2016

<sup>61</sup> Gay Star News, Pakistani TV news hands over ‘gay couple’ to police, calls for stoning, 18 December 2013, <http://www.gaystarnews.com/article/pakistani-tv-news-involved-arrest-gay-couple-calls-stoning181213/>, date accessed 5 February 2014

<sup>62</sup> Immigration and Refugee Board of Canada (IRB): Pakistan: Incidents of violence or mistreatment involving sexual minorities in Islamabad, Karachi and Lahore; loss of employment or inability to rent housing due to sexual orientation (2014) [PAK105027.E], 09 January 2015 [http://www.ecoi.net/local\\_link/295401/416447\\_en.html](http://www.ecoi.net/local_link/295401/416447_en.html), date accessed 18 January 2016

## 8. NGOs and support groups

8.1.1 The Neengar Society, based in Multan, campaigns for the rights of the LGBTI communities in Pakistan.<sup>63</sup> The President of the Neengar Society has stated that social media groups and organised meetings in larger cities such as Lahore, Karachi and Islamabad, do exist 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 cities. The Neengar Society provides an emergency shelter to LGBT people who face threats or exclusion.<sup>64</sup> Between January and November 2014, the Neengar Society provided emergency medical support, shelter and psychological support to 145 LGBT individuals, including 50 from Karachi, 10 from Lahore and 2 from Islamabad. The Society's President told the IRBC that in all the cases, family members had beaten and threatened to kill the LGBT individuals, but that no one was willing to register a police complaint for fear that they would be arrested because of their sexuality.<sup>65</sup> The Neengar President informed VICE News in 2015 that the organisation's offices had been robbed and ransacked in 2012 and that "last year some unknown people attacked my house, broke my car window and tried to set it on fire." Society and police sympathy had been far from forthcoming... "Unfortunately, when you try to raise voice against violence, everyone blames you for working for LGBT rights."<sup>66</sup>

8.1.2 Founded in 2011, the Naz Male Health Alliance (NMHA) is principally a provider of medical services, but also serves the gay (MSM) and transgender communities in Pakistan more broadly. According to the website of the Asia Pacific Coalition on Male Sexual Health:

'[The Naz Male Health Alliance] is providing technical, financial and institutional support for improving the sexual health, welfare and human rights of the MSM and transgender community...

'[NMHA] has been working with the community in 5 cities across Pakistan (Lahore, Karachi, Rawalpindi, Hyderabad and Larkana) to establish 6 community based organisations. These CBO offices are strategically located close to the "hotspots" and in areas where there is a large concentrate of hijra (transgender) deras (dwellings) in order to provide easy access, secure and

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<sup>63</sup> ILGA Directory of LGBTI and Allied Organisations: Neengar Society, undated [http://ilga.org/directory/en/detail?o\\_id=3483](http://ilga.org/directory/en/detail?o_id=3483), date accessed 20 January 2016

<sup>64</sup> Immigration and Refugee Board of Canada (IRB), Research Directorate, Pakistan: Situation of sexual minorities in Islamabad, Karachi and Lahore, including treatment by society and authorities; state protection (2010-2013) [PAK104712.E], 13 January 2014, <http://www.irb.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455051&pls=1>, date accessed 15 January 2016

<sup>65</sup> Immigration and Refugee Board of Canada (IRB): Pakistan: Incidents of violence or mistreatment involving sexual minorities in Islamabad, Karachi and Lahore; loss of employment or inability to rent housing due to sexual orientation (2014) [PAK105027.E], 09 January 2015 [http://www.ecoi.net/local\\_link/295401/416447\\_en.html](http://www.ecoi.net/local_link/295401/416447_en.html), date accessed 18 January 2016

<sup>66</sup> Vice News, 'Officially Recognized But Publicly Shamed: Transgender Life in Pakistan', 26 November 2015, <https://news.vice.com/article/officially-recognized-but-publicly-shamed-transgender-life-in-pakistan>, date accessed 16 February 2016

relaxing atmosphere for the economically deprived low income community members who are our primary beneficiaries.

‘[NMHA] has a policy to operate in a minimal visibility mode due to the conservative religious culture, political volatility and security situation in Pakistan. Therefore, the organisation has no public presence including no website or a page on any social network sites. This “invisibility policy” has been developed to protect the identity of both the clients as well as the staff. As an Islamic Republic, Pakistan’s punitive laws against MSM behaviour remains the biggest barrier in the service delivery to the community.’<sup>67</sup>

- 8.1.3 The Khawaja Sira Society, also known as ‘Ittehad Barae Haqoor-e-Khawaja Sira Pakistan’ (IBHKSP) provides support services to the transgender community<sup>68</sup> and, according to a February 2015 Al Jazeera report, runs a drop-in centre under the umbrella of the Pakistani NGO, Naz Male Health Alliance.<sup>69</sup> The Gender Interactive Alliance Pakistan<sup>70</sup> and the Trans Action Khyber Pakhtuna<sup>71</sup> work for the equality and civil rights of Pakistan’s transgender community.

[Back to Contents](#)

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<sup>67</sup> Asia Pacific Coalition on Male Sexual Health (APCOM): ‘Spotlight: Naz Male Health Alliance, Pakistan’, undated. <http://www.apcom.org/spotlight-naz-male-health-alliance-pakistan> Date accessed 21 September 2015

<sup>68</sup> Ittehad Barae Haqoor-e-Khawaja Sira Pakistan (website to 2011) <http://www.aaspak.org/IBHKSP-Final/index.html> date accessed 21 September 2015

<sup>69</sup> Al Jazeera, ‘Pakistani LGBT community’s fight for rights’, 2 February 2015 <http://www.aljazeera.com/indepth/inpictures/2015/01/pakistani-lgbt-community-fight-rights-150121114323286.html>, date accessed 21 September 2015

<sup>70</sup> Gender Interactive Alliance Pakistan, About, undated <http://genderinteractivealliance.wordpress.com/>, date accessed 9 October 2015

<sup>71</sup> Radio Free Europe/Radio Liberty, Pakistan’s ‘Third Gender’ Demand Rights Protection, 8 June 2010, [http://www.rferl.org/content/Pakistans\\_Third\\_Gender\\_Demand\\_Rights\\_Protection/2065679.html](http://www.rferl.org/content/Pakistans_Third_Gender_Demand_Rights_Protection/2065679.html), date accessed 6 February 2014



# Version Control and Contacts

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

## Clearance

Below is information on when this version of the guidance was cleared:

- version 2.0
- from **15 April 2016**
- this version approved by **Sally Weston, Head of Legal Strategy Team, International and Immigration Policy Directorate**
- approved on 24/03/2016

## Changes from last version of this guidance

Updated country information and guidance.

[Back to Contents](#)