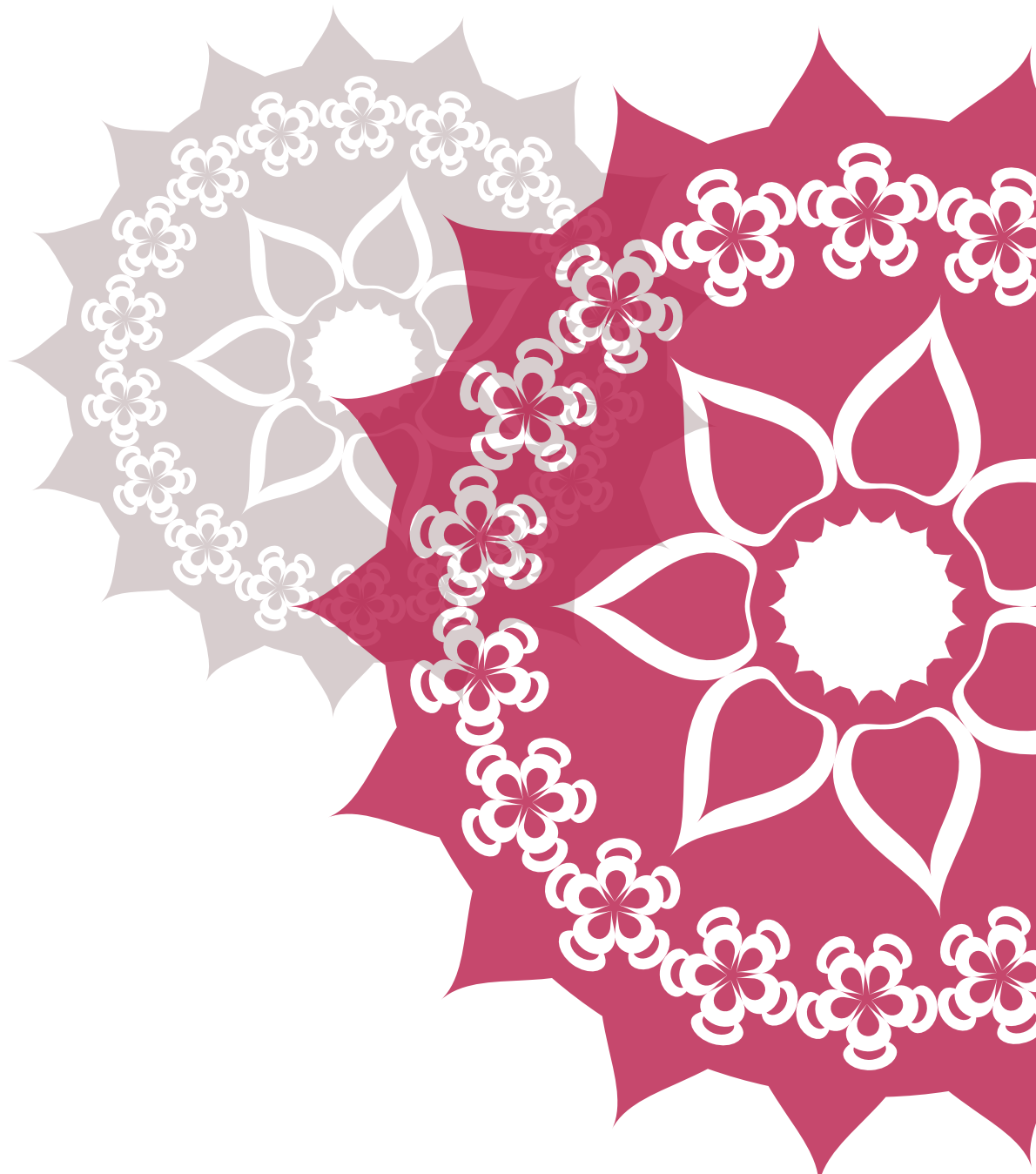


The background is a solid red color. It features several intricate, repeating floral patterns. These patterns are composed of stylized leaves and flowers, arranged in a circular, mandala-like fashion. Some of these patterns are rendered in white, while others are in black. The patterns are scattered across the page, with a notable one in the upper left, another in the lower left, and a third in the lower right. The central text is positioned between the upper and lower floral motifs.

PAKISTAN





“WHERE I CAN ACTUALLY BE ME”

Experiences of Violence and Discrimination

O PAKISTAN



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Photo: Theresa Thadani

INTRODUCTION

From December 2010 to March 2012, the members of O Pakistan conducted 50 interviews (41 with LBT individuals and 9 with stakeholders in the education, legal, non-governmental and journalism sectors).

Our method of identifying respondents was based very much on access and security. Because we belong to the community from which we have been collecting data and because there is a lot of risk attached to outing oneself, many of the respondents are friends and acquaintances.

Our first set of respondents was from among these. Using snowball sampling, we requested our contacts to put us in touch with people they knew personally. This method had limited success as, even after our mutual friends vouched for our work, many of the potential respondents were uncomfortable with either the idea of the interview in the first place or more specifically the main research focus: violence. Where possible, we asked for the reason for their reluctance to participate. Though we did not document their responses, as we considered that a violation of their stated wishes, we can summarise the responses in two ways: a simple fear of exposure; and a lack of confidence in the merits and impact of such a study, given that we live, as they asserted, in a repressive and dangerous environment.

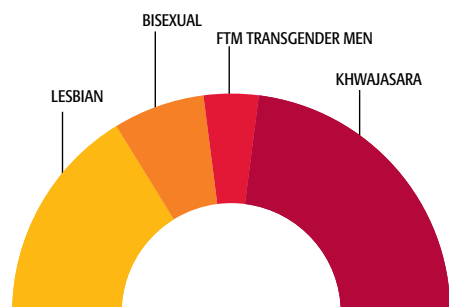
Due to a constraint of resources, not all the interviews were transcribed and translated from Urdu to English in time to be coded along with the rest of the data. This chapter is based on 23 out of the total 50 interviews that we conducted. It is a deep regret of ours that the majority of the data, which was left untranslated and uncoded is from our interviews with khwajasaras. Some of these interviews nevertheless have informed our analysis so that these experiences are part of this chapter.

Due to the research constraints and resulting bias in our sample, we are aware that the experiences we relay in this chapter are not representative of the life experiences of all LBT people in Pakistan. However, since it is clear that rights violations generally have more negative effect on those who are unconnected, resource-poor, or otherwise disadvantaged, we believe our research shows only the tip of the iceberg when it comes to discrimination and abuse. We have no doubt that many LBT individuals in Pakistan live their daily lives in fear. It is our hope that this research will contribute to changing that situation, even if only marginally.

INTERVIEWEE DEMOGRAPHICS

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SELF-IDENTIFICATION: SEXUAL ORIENTATION



Out of the 41 LBT interviews, 12 people identified as lesbian, 5 as bisexual women, 3 as female-to-male (FTM) transgender men (with one identifying as both lesbian and FTM) and 17 identifying as khwajasara.¹ Three people chose not to have any specific identity and two chose other identity markers.

Most of the cisgender (gender identity and gender expression conforms to the gender assigned at birth) lesbian and bisexual women we interviewed were from Lahore, drawn from within our extended network. We had one respondent from Islamabad, one from Multan and three from Karachi – places where we have less of a presence and therefore were less able to establish the long-term trust that served us so well in Lahore.

The three FTM interviewees were from diverse backgrounds. Joan, who also identifies as a lesbian, is from a working class Christian background in Lahore. Umer comes from a middle class Ismaili Muslim family in Karachi and now permanently resides in the United States but still spends much of his time in Pakistan. Mari, who identifies as transgender but lives as a woman, is from a middle-class Muslim family in Lahore and is employed in a white-collar job; she earns a good income.

1 Khwajasara is a term that refers to male-bodied individuals who identify with female gender roles and expressions and live together in communities. See Glossary.

Most of the khwajasaras we interviewed were reached through their Gurus (khwajasara community leaders), who are from two separate deras or households, one in Karachi and one in Lahore. Through mutual acquaintances, we made contact with each Guru and explained our project. Each Guru considered our project and then allowed us to meet her *chelas* or disciples. The Gurus also asked that we monetarily compensate her *chelas* for their time as we were interrupting their workday, and we obliged.

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LOCATIONS OF LBT INDIVIDUALS INTERVIEWED



● Areas where research was conducted

Most of our respondents came from Muslim backgrounds, though some Christian respondents are represented among the khwajasaras and two lesbian and bisexual women were Christian. Muslims make up 98% of the population of Pakistan. Religious groups are largely insular, and members of minority religious communities live amidst much violence and abuse meted out against them by some members of the Muslim-majority society.² These

2 "Pakistan Christians Die in Unrest," BBC News, August 2, 2009, accessed on March 23, 2013, http://news.bbc.co.uk/2/hi/south_asia/8179823.stm; Rabia Mehmood, "Over 100 Ahmadi Graves Desecrated in Lahore" *The Express Tribune*, <http://tribune.com.pk/story/474468/over-100-ahmadi-graves-desecrated-in-lahore/>.

factors have limited our access across religious and class lines as our group is made of middle to upper-middle class LGBT people who are largely from Muslim backgrounds.

As a result of this snowball method of gathering respondents and the respondents' trepidation, our sample is somewhat skewed in terms of class dynamic. Most, though not all, of the lesbian and bisexual women belong to the middle or upper-middle class and are comfortable conversing in English or a mixture of English and Urdu. All of the khwajasara respondents belong to the lower-middle or working class and their interviews were conducted primarily in Urdu, with a few conducted in a mix of Urdu and Punjabi.

COUNTRY CONTEXT

While Pakistan is imagined in the current global climate to be a hotbed of terrorism, anti-woman sentiment, fundamentalism and radical Islamism, the fact of the matter is that the Pakistani context is far more complicated. Where there is religious extremism and violence, there is also resistance, solidarity and community building among those directly affected by local, national and international structures that fuel inequality and discrimination.

What complicates the Pakistani context is a mix of deeply ingrained, structural problems that are often at odds with each other and that pull ordinary Pakistanis in a variety of directions. The first is a growing Islamic sentiment within the government and the populace that burgeoned in the 1980s during the time of the dictator Zia. Zia-ul-Haq staged a military coup in 1977 and began an eleven-year reign in which Zia brought about a number of regressive laws under a guise of "Islamization," some of which explicitly restricted women's equality and promoted a vision of women as inherently immoral. The most infamous of this was the rape law under the Hudood Ordinances that required four male witnesses in order to prove that a rape had occurred. Laws and legal institutions enforce prevailing gender norms, which assume that all women are heterosexual, dependent on men, and do not display sexual desires.

These norms are enforced by the police and by other State institutions, creating an environment where women in same-sex relationships and others who do not gender-conform cannot freely express themselves or live their lives. (See "The Legal Landscape" section in this chapter for details).

Dovetailing with this is an anti-American sentiment occasioned by the US War on Terror and the continuous drone attacks on Pakistani people in the Northwest.³ Together, this creates a situation in which human rights advocates confront numerous barriers to their work, most notably a concern for the safety and security of those whose situations they seek to improve.

MANIFESTATIONS OF VIOLENCE

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. We have chosen to highlight the emotional, physical and sexual violence people face in their communities because these are the most prevalent types of violence. Most often the violence that LBT individuals face in their communities is a reflection of structural and institutional violence. Moreover, 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.

3 "Demonstration: '230 Drone Strikes Carried Out in Past Five Years,'" *The Express Tribune*, March 5, 2013, accessed on March 23, 2013, <http://tribune.com.pk/story/515831/demonstration-230-drone-strikes-carried-out-in-past-five-years/>. Joshua Hersh, "Hina Rabbani Khar, Pakistan Foreign Minister: Drones Are Top Cause of Anti-Americanism," *Huffington Post*, September 28, 2012, http://www.huffingtonpost.com/2012/09/28/hina-rabbani-khar-drones_n_1922637.html.

Emotional Violence

There was a wide range of emotional violence reported by all respondents. 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 (which included financial controlling behaviours) as well as physical and emotional violence, of which emotional violence was the most reported form of violence. As Patricia reported:

I was being ignored and neglected at home, my communication with my parents was non-existent at that time, and I used to think that I am unloved and I wasn't needed and there is no purpose of life.⁴

Ghazala, a 40-year old lesbian reported “a lot of restrictions”⁵ from her family, even after she entered the job market, with her family requiring her to be home by seven p.m. If her bus was late, she was interrogated: “Where did you go? Why are you late? Where are you coming from? Who did you meet?” Ghazala added, “My bag would be checked, my clothes would be searched. There was no way you could even meet someone, you could not talk to anyone, could not go anywhere.”⁶

Khwajasaras experienced verbal denigration on the streets in the form of ridicule, catcalling and cursing. They were harassed for their gender identity and gender expression. Falak, who works for a government tax-collection office, reported having a great deal of trouble travelling around Karachi in female clothes because men yelled verbal and

sexual abuses at her all along the way.⁷

Lesbian women reported verbal abuse by family members as well as their acquaintances and peer groups. Shaheen and her partner's acquaintances, on several different occasions, called them “carpet munchers,” and in one instance, a male acquaintance asked them to “kiss each other for their pleasure.” Shaheen reported that she and her partners were often “propositioned for the pleasure of a man or more than one man” in a social setting.⁸

Most of the lesbians we talked to were not out to their families. The women who identified as butch or were more masculine presenting were pressured to talk, behave and act more womanly or feminine. Anam explained:

Yeah they always used to criticise me, ‘what the hell are you wearing?’ And I used to talk like, boys, like really loud, you know, like a gangster-style, sort of thing. And they used to criticise me, ‘what the fuck is that. Nothing you do is like a girl, what's your problem?’⁹

Transgender men also felt the policing of gender strongly. Umer reflected how this bothered him:

... more was when they put me in girl's clothing, rather than the physical [abuse] ... Yeah, that hurt, but I got over it. But the feeling of discomfort, I got so uncomfortable when they put me in female, feminine outfits. Ugh, I hated it, it would really ruin my day, my evening! It really would!¹⁰

Notions of the absolute necessity of marriage are linked to respectability, being a good daughter and even a good Muslim. Family members as well as peers see homosexual desire as a threat to family stability and religious integrity, both individual and social.

4 Patricia, pansexual. Organization for the Protection and Propagation of the Rights of Sexual Minorities (O Pakistan), Lahore, 2010.

5 Ghazala, bisexual. O Pakistan, Lahore, 2011.

6 Ghazala, bisexual. O Pakistan, Lahore, 2011.

7 Falak, khwajasara. O Pakistan, Karachi, 2011. Uncoded interview.

8 Shaheen, lesbian. O Pakistan, Karachi, 2011.

9 Anam, lesbian. O Pakistan, Karachi, 2011.

10 Umer, transgender man. O Pakistan, Karachi, 2011.

21-year old Zuleikha, a bisexual woman, said that the woman she was in love with responded to her confession of love by telling her that, according to Islam, “There is no room for such love. This is not normal.”¹¹ Zuleikha is very religious and observant, and believed, along with her peer group and the woman she loved, that marriage is a cure to all the problems in her life. She said, “... Like, I don’t have anybody in my life, anybody to love. That emotionally as well as physically, both would go if I got married.”¹²

Joan and her partner, a working class Christian couple, tried to move to Dubai to work in a salon; they were in search of a place where they could live together without family pressure. But they found themselves being forced to do sex work in Dubai. Once they managed to escape from there, with a great deal of stress, they were returned to the situation in Pakistan from which they had tried to free themselves – poverty and familial abuse.¹³ On her return, Joan found herself feeling demoralised and downcast:

I feel helpless, because every day and every night, Maria lives at her parents’ house. Now her father is also living with her. Her marriage is under discussion [by the family]. And when I hear it, I ... feel weary. For how long will I be able to stop these people? Or for how long they are going to face the resistance? ... And Maria says we cannot live this way in Pakistan. People say a hundred things here, she says once we’re out of Pakistan we are going to live all our lives together. And if things don’t work out, her family is going to marry her off.¹⁴

Joan’s weariness and depression comes from the two of them having endured verbal abuse, physical abuse, sexual abuse and economic abuse (in terms of eviction and loss of property). Their

desire to leave the country is coupled with a desire to be able to live openly, free from the barrage of pressures that their families and society constantly place on them.

Physical Violence

Physical violence was often part of the repressive environment in the home. Homosexual and gender non-conforming individuals are threatening to social balance because they do not reinforce the heterosexual family structure and the male as head of household. Consequently, physical 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.

... where physical and sexual violence were reported, the violence was often extreme and heinous.

Perpetrators of family violence were usually parents, supported by siblings and, in joint family homes, extended family members as well.

Umer, a transgender man from Karachi, reported being beaten up by his father several times because he did not dress appropriately for his gender. He said, “... he even beat me up for cutting my hair too short.”¹⁵

Ghazala, a bisexual woman from Lahore, reported that members of her extended family would frequently taunt her, asking her parents “Why does she act like boys? Her attire is not womanly at all, what will we do when she gets married? People don’t like girls who act like boys.”¹⁶

11 Zuleikha, bisexual. O Pakistan, Lahore, 2011.

12 Zuleikha, bisexual. O Pakistan, Lahore, 2011.

13 Joan, lesbian/transgender man. O Pakistan, Lahore, 2011.

14 Joan, lesbian/transgender man. O Pakistan, Lahore, 2011.

15 Umer, transgender man. O Pakistan, Karachi, 2011.

16 Ghazala, bisexual. O Pakistan, Lahore, 2011.

Particularly severe is the case of Sherry, a 22-year-old bisexual woman, who was beaten by almost every member of her natal family:

[My] brother beat me because I was going out with a girl and stuff ... I was so much older than him and nobody was there say anything to him ... Everyone was standing there watching ... sister also beat [me] and called me ugly, disgusting and a prostitute ... [My] father threw a knife at me when I disobeyed him. That is when [I] realised that my dad can kill, literally can kill me.¹⁷

Some lesbians and bisexual women entered heterosexual marriage to escape violence in the natal home ... [but] violence also took place in the marital home.

Joan's uncle's family used her non-heteronormative gender expression and her relationship with her female partner to threaten, blackmail and cheat Joan out of family property. The uncle's family threw Joan and her partner out on the street with their luggage and forced them to sign papers, deeding their property to the uncle.¹⁸ Furthermore, Joan's partner's family would repeatedly restrict her and her partner's movements, refusing to let Joan's partner leave the house to visit Joan, or beating Joan and throwing her out when she came to visit her partner. They would verbally abuse her, saying, "She has nothing to do with our family, neither is she related to any of us, why do you people let her in the house? Get her out of here."¹⁹

Some lesbians and bisexual women entered heterosexual marriage to escape violence in the natal home. Some married because they were under pressure to comply with family expectations to marry (a man) and could not imagine a way out of this.²⁰ Either way, the heterosexual marriages produced disastrous

results. Violence also took place in the marital home. All the lesbian and bisexual respondents who had been forced to marry experienced severe physical and sexual violence from their husbands.

Sherry, a 22-year-old bisexual woman in Lahore who had been forced to marry by her family said her reluctance to have sex with her husband led him to "beat the shit out of" her.

Shaheen, a lesbian in Karachi, endured an abusive marriage for nearly a year at the age of 20 after her family pressured her into marriage. She told us, "Everyday I went through all kinds of physical, sexual, verbal abuse;²¹ it was not just a matter of duty." For Shaheen, enduring the marriage for as long as she did was certainly in part due to fear, but she also felt it was a test for herself to see if she could, in fact, be in a marriage to fulfill her sense of duty to her family.

... the family is unregulated and often holds almost absolute control over the individual.

When she found that she could not, she still had to wait for "an out" in the form of a visible manifestation of the violence she had been experiencing:

I told my parents after 10 months. I hadn't [told them], the whole time that I was there. But something happened which was, I had a bruise on my face for the first time, otherwise he was very careful, my whole body was bruised, but my face was [not]... So it was, probably I needed a reason and excuse to say it. And I knew within myself that I had, in a manner of speaking, tested myself in the marriage enough. And in that case I knew that this was it and I had an out.²²

As we can see, most of the female-bodied people, whether lesbian, bisexual or transgender, experienced physical violence primarily within the

17 Sherry, bisexual. O Pakistan, Lahore, 2010.

18 Joan, lesbian/transgender man. O Pakistan, Lahore, 2011.

19 Joan, lesbian/transgender man. O Pakistan, Lahore, 2011.

20 Sherry, bisexual. O Pakistan, Lahore, 2010.

21 Shaheen, lesbian. O Pakistan, Karachi, 2011.

22 Shaheen, lesbian. O Pakistan, Karachi, 2011.

private sphere. This is similar to the experience of heterosexual cisgender women in Pakistan.

As for violence in the public sphere, 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.

Amber, a khwajasara in Karachi, reported that some men on the street threw banana peels, and yelled abusive words and humiliating jokes at her. She also reported, “[Men on the street] would beat us, undress us, or snatch our purses.”²³ Violence on the streets was compounded by police complicity. Amber identified police officers as among those who perpetrated different kinds of violence against khwajasaras:

They [the police] beat us ... with sticks, slap us and kick us. When we saw them coming from a distance, we hide.... Yes, then they catch us. They don't say anything to us then, but take money from the other party. They do pimping for us as well ... they take money from us. They say ok there would be a car coming, sit in it and then we will catch you red-handed. They charge them money and don't even give us our share.²⁴

In 2010, a group of 20 or so khwajasaras celebrating a *salgirah* (a ceremonial birthday celebration) were arrested at their party. The police raided the occasion based on unspecified reports that drugs and alcohol were being consumed behind closed doors. The police arrested most of the people at the party

23 Amber, khwajasara. O Pakistan, Lahore, 2011.

24 Amber, khwajasara. O Pakistan, Lahore, 2011.

including the individual (Amir) for whom the celebration had been arranged. While the police were transporting them, Amir, in fear of police reprisal, jumped off the police van in an attempt to escape. The other people present in the van allege that police shot at Amir and this caused his death. However, the police allege that Amir jumped off the van and hit his head, which caused his death. There was no autopsy to determine the actual cause of death.²⁵

In another instance, the police arrested an entire party of people under an allegation that a man and a khwajasara named Rani were getting married. The people arrested claimed they were having a ceremonial gathering for Rani while the police claimed a marriage was taking place.²⁶

Sexual Violence

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

Sexual violence was the most sensitive and difficult form of violence for our respondents to talk about and most of the time the interviewees either tried to avoid the topic altogether or provided minimum amount of detail about the incident.

That said, not a great deal of variation was reported between the LBT people we interviewed. In almost all cases, the perpetrators were non-State actors who acted in private spaces, like homes. Almost all respondents who told us they had been subject to sexual violence reported that they knew the perpetrators. It is also important to note that, for our respondents, sexual violence did not occur in isolation as all of them reported some form of physical or

25 Rameez Khan, “Eunuch killed: ‘He died from bullets, not head injury,’” *Express Tribune*, November 27, 2010, <http://tribune.com.pk/story/82408/eunuch-killed-he-died-from-bullets-not-head-injury/>

26 Sarah Suhail, “Hijras, Marriage and the Law,” *Chay Magazine*, July 1, 2010, <http://chaymagazine.org/2010-queer-jun/254-Hijras-marriage-and-the-law>

emotional violence either as part of the sexual assault or as separate incidents. Thus, sexual violence was always part of a larger campaign of abuse and degradation. In comparison with other forms of violence it seemed less prevalent, however, we cannot be certain whether this is because it is actually less prevalent or because it was reluctantly reported.

Some respondents felt that sexual harassment was linked to negative stereotypes about LBT individuals. Sherry, a 22-year-old bisexual woman from Lahore, told us:

A couple of guys added me [on a social networking site] and started chatting and stuff, and sending me links of their private parts or whatever ... because most of the people think that bisexuals and lesbians are sort of whores.²⁷

Other interviewees see the sexual harassment of LBT women as an extension of the harassment all women in Pakistan face. Natasha, a lesbian whose experiences of homophobia in Pakistan led her to move to Canada, reported:

Well, in Pakistan on the streets, I guess there's some amount of harassment, being pinched, being touched ... [These are] common forms of sexual assault that most women in Pakistan face.²⁸

A few interviewees reported that they were sexually molested during childhood by someone they knew, such as a male servant or a male relative. All had been violated more than once, some said the childhood sexual abuse continued for several years, and in some cases it lasted for as long as six years. The interviewees were reluctant to reveal the violations to family members because they feared both the perpetrator and their families, who could potentially chastise them, hit them or hold them responsible for the abuse. As Zuleikha, a 22-year-old bisexual woman in Lahore said, "I

was scared that my mother will scold me or hit me or something like that."²⁹

Umer, a transgender man, reported that another man threatened him with rape after Umer started dating the man's former girlfriend.³⁰ He also reported that his girlfriend's sister suggested to his mother that "maybe I [Umer] should be raped, in order to convert me."³¹

Ghazala, a bisexual woman who was raped by her stepfather for seven years from the age of sixteen, reported:

He raped me ... and then I decided that I am no longer going to stay there [at home], because nobody was ready to listen [to] me. When I tried to tell my mother, my uncle, my family, they didn't accept. Even they were not ready to take it seriously. They thought I am lying.³²

Patricia, who was raped repeatedly in the home, recounted:

Obviously I was shocked, scared and hurt. Basically I felt insecure and felt like an object. I thought don't I have a choice, opinion or permission and the right of owning my own body? Was it because of my physical weakness? Basically, I felt that if someone is physically strong, does that give him any right to take advantage at those who are physically weaker than you? It's wrong ... I verbally abused myself that why I was physically weak and couldn't stop that incident to happen.³³

27 Sherry, bisexual. O Pakistan, Lahore, 2010.

28 Natasha, lesbian. O Pakistan, Canada (via Skype), 2011.

29 Zuleikha, bisexual. O Pakistan, Lahore, 2011.

30 Umer, transgender man. O Pakistan, Karachi, 2011.

31 Umer, transgender man. O Pakistan, Karachi, 2011.

32 Ghazala, bisexual. O Pakistan, Lahore, 2011.

33 Patricia, pansexual. O Pakistan, Lahore, 2010.

MONICA³⁴

Monica is a 22-year-old self-identified khwajasara who lives in Lahore. She was born male, identifies as a woman, and calls herself gay to express her romantic and sexual interest in men. She lives in an impoverished area of Lahore in a rented apartment, away from her natal family. Unlike most khwajasaras, Monica is educated – she was a bright student and studied till matriculation (10th grade board exams). She earns her living by dancing at parties and through sex work. At the time of the interview she was not in a romantic relationship but keenly mentioned her male ex-partner who she used to love a lot. She did not mention her monthly income but reported living independently in a rented house, bearing all her expenses as well as supporting her family.

As a student, although she was different from her classmates, she reported that her peers or teachers never discriminated against her. When she was 15 years old people around her made her realise that she was either gay or a khwajasara. She gradually accepted this and came out to her parents and four siblings. They disregarded her assertion and went into denial, trying to convince her that it was abnormal and wrong to be gay. She believes that this rejection was due to the pressure her close family was facing from relatives as well as from society at large.

She said, initially, it was very difficult for her to deal with her family's attitudes, but eventually she managed. "I have Jutt³⁵ blood in my veins," she says, "so it wasn't easy to break my spirit." She reported that in the beginning her mother and then later her Guru, whom she kept referring to as "my owner," were a great support to her.

Monica suffered emotional violence from relatives and extended family, who cursed her and prayed that God would damn her. The relatives pressured her mother to stop Monica from being khwajasara and resume the "proper" life of a cisgender man. Monica felt stressed and depressed but she never lost hope and continued to resist. Eventually her mother started

supporting her, especially after Monica began to earn money and helped support the family financially.

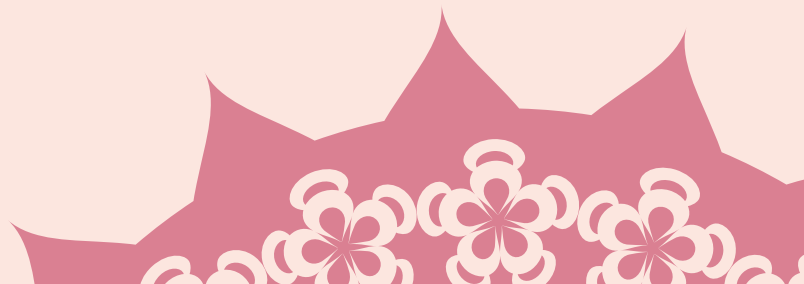
Monica also experienced a great deal of discrimination in the public sphere. She cannot travel in buses because of the gender segregated compartments. "When I enter the women's section they say I am not a woman so I should leave and when I move to men's section, they joke and asked me to leave also. So, there's no space for me in local buses." In this situation, she has to commute via a rickshaw (three wheeler private vehicle), which is more expensive and a financial burden.

Every visit to a doctor is an ordeal. "I can't go to any government hospital because the doctors as well as the patients think what is this strange thing doing here? I receive loaded comments, gestures, and at times curses. So, I am only left with the option of consulting a private doctor or clinic. [Choosing a private doctor or clinic may mean less discriminatory treatment.] But it is more expensive."

Most of her experiences with violence in the public sphere involved sexual and physical abuse. Monica is harassed on the street daily, subjected to lewd comments, derogatory jokes, unwanted touching and grabbing by strangers. She used to feel afraid, sad and angry about it. Now, she has accepted it as something she cannot avoid. Monica reported that she was gang raped by a group of drunken men during a party for which she was hired as a dancer. She had gone to the party with her Guru and other khwajasaras. Monica said no one stopped the perpetrators, not even her Guru, which was shocking for Monica. After the rape, she felt helpless, extremely angry and sad. When she confronted her Guru about not standing up for her, she was told that it's quite normal and usual to get raped by men in such parties. It took Monica a long time to get over that horrible experience. She said she developed resentment for her Guru after the incident. Her fellow khwajasara friends did extend their emotional support to her. She said, "Now, I try to protect myself as well as my khwajasara friends, and if someone tries to rape or molest my friends, I offer myself to [the people who want to rape my friends] and ask them to leave [my friends]."

34 Monica, khwajasara. O Pakistan, Lahore, 2011.

35 Jutt is a caste name and they are culturally believed to be strong-willed and stubborn.



SHAHEEN³⁶

Shaheen is a 40-year-old lesbian who lives in Karachi. She has been married twice, both times to a man. At age 35, she entered into a relationship with a woman and now lives with her partner. She studied till A-levels (12th/13th grade) and was born and raised Muslim but no longer practices Islam. She did not want to disclose her profession but reported herself to be a high profile individual, earning 100,000 Pakistan rupees a month.

Shaheen self-identifies as a lesbian female. She came out to her friends, brothers and sisters-in-law when she entered into the lesbian relationship. Though her siblings and their wives supported her, her friends were not as forthcoming with their support. A gay male friend was annoyed at her coming out and proposed marriage to her, suggesting that they have children together so that no one would know they were gay. Shaheen felt his behavior was hurtful, but she coped with it. She says a lot of friends know she is a lesbian, but they don't talk about it and ignore it. A few of her friends withdrew from her after her coming out although she says part of this may be because she was so wrapped up in her new love that she did not attend to some of her other friendships.

Shaheen reported physical, emotional, verbal and sexual violence from non-state perpetrators. When she was five years old, her brother caught her fooling around with another girl and told her mother. Her mother threatened to burn Shaheen's genitals with an iron. At age six or seven, she was sexually molested by her best friend's father. The molestation continued until she was almost a teenager. The friend whose father abused Shaheen told Shaheen that she should be ashamed and feel guilt because she was the one who compelled her father to do this to her. The abuse stopped when Shaheen told her mother, who made sure the perpetrator never came close to her again.

When she turned 12, Shaheen's movements and mobility were restricted and monitored. Her family was very religious and conservative, and Shaheen reported that all her life she felt an unsaid societal pressure to conform to the norm, unable to live her life the way she wanted.

Her first husband abused and violated her physically, emotionally and sexually on a daily basis. She was 20 years old at the time. Those experiences were so painful to recall that she straightforwardly, said, "I don't want to go into detail but I have been violated by him on physical, sexual and emotional level." However, she categorically denied that the violence was because of her sexual orientation and attributed it to his being a sadistic man.

In July 2011, the US Embassy in Islamabad held an LGBT pride celebration which was publicised in a press release on the Embassy's website.³⁷ The publicity led to a huge outcry from religious conservatives and political parties in Pakistan. Shaheen's name was on the guest list. She feared it would be released, leaving her open to violence and rape from conservative religious protestors. Shaheen finds the situation in Pakistan untenable in the long run and would like to live abroad where she can walk down the street holding her partner's hand and not worry for her life. Even though she has friends, brothers and sisters-in-law who have been supportive, she wants to live her life the way she always wanted to, openly and without hiding it from anyone.

36 Shaheen, lesbian. O Pakistan, Karachi, 2011.

37 "US Embassy In Islamabad Accused Of 'Cultural Terrorism' For Holding Gay Rights Event," *Fridae*, July 4, 2011, <http://www.fridae.asia/newsfeatures/2011/07/04/10982.us-embassy-in-islamabad-accused-of-cultural-terrorism-for-hosting-gay-rights-event>. Peter J. Smith, "Pakistanis Denounce US Embassy's Gay Rights Party as 'Cultural Terrorism,'" *Life Site News*, July 26, 2011, <http://www.lifesitenews.com/news/pakistanis-denounce-us-embassys-gay-rights-party-as-cultural-terrorism/>.

IMPACT OF VIOLENCE AND COPING METHODS

Given the harsh policing of gender norms, the ability to imagine life as a person with non-conforming sexual orientation, gender identity or gender expression was severely limited for our respondents, which contributed to low morale, depression, and desire to leave the country.

LBT interviewees, particularly lesbians, bisexual women, gender non-conforming women (butch lesbians), and transgender men, said that having their activities, their non-conforming gender expression and behaviour routinely controlled and policed by family members created severe mental, physical and emotional distress. Similar impact was reported when individuals were ostracised by their natal families.

In most of the adult rape cases, where respondents told their families about the sexual violence, they did not get much support from their family and had to cope with the trauma on their own. Many of them said that they internalised the trauma (blamed themselves, blamed their sexual orientation or non-conforming gender).

Coping with violence occurred in different ways. Amber, a khwajasara who had been physically and sexually assaulted by strangers on the street as well as police officers, laughed when recounting her experiences, leading us to conclude that normalising the violence (downplaying, ignoring and “accepting” the violence) was a way of coping. Amber said that the violence, harassment and public humiliation was “part of the package of being in this field.”³⁸

Fauzia, a bisexual woman in Lahore who had to deal with being groped in public places said, “Obviously it [unwanted touching] was very offensive and very disturbing. So, I turned around and hit the person, and lots of people gathered

38 Amber, khwajasara. O Pakistan, Lahore, 2011.

and it was like, couple of times this happened.”³⁹

Ghazala, a bisexual woman, who had experienced a lot of physical violence from family members, including child sexual abuse, said that she was determined to prevent others from being abused the way she was. “My cousin was going through the same problem ... I sat down with them and explained them everything in good detail and told them if they get even the slightest hint of sexual gestures, they should inform me immediately ... so one cousin shared it with me that he [the stepfather] tried forcing her as well, [and] I fought for her in the family.”⁴⁰

Some of the LBT individuals survived family and marital violence by creating alternative systems of support among their friends. In some cases, they turned to extended family members who accepted their sexual orientation, gender identity or gender expression.

... the majority of the respondents ... were trying to make a life in Pakistan in the face of adversity.

Some of our respondents aspire to leave Pakistan. Maryam wants to leave the country and go somewhere where she “can actually be me.”⁴¹ Shaheen said that on a trip abroad she was holding her partner’s hand and playing with her partner’s hair and “It was perfectly okay. I understand that it’s not okay everywhere. But it’s not a crime, you know. I want that.”⁴²

In reality, the majority of the respondents did not have this option or the opportunity to leave the country to escape violence and the social environment. Most were trying to make a life in Pakistan in the face of adversity.

39 Fauzia, bisexual. O Pakistan, Lahore, 2011.

40 Ghazala, bisexual. O Pakistan, Lahore, 2011.

41 Maryam, lesbian. O Pakistan, Islamabad, 2011.

42 Shaheen, lesbian. O Pakistan, Karachi, 2011.

LAWS AFFECTING LBT PEOPLE

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.⁴³

Section 377 of the Pakistan Penal Code

criminalises “carnal intercourse against the order of nature,” which the State interprets primarily as anal sex and bestiality. This law was formed in British colonial times and mirrors similar laws in India and Bangladesh, among other former British colonies.

No legal reform can take hold until the institution of the family is ready to accept change.

In Pakistan as with most countries that have similar British colonial laws, Section 377 is never used against heterosexual people, and instead disproportionately targets people in same-sex relationships. Famously, the courts attempted to use this law against Shumaile Raj and Shahzina Tariq, a transgender man and cisgender woman who were married to each other.⁴⁴ Because 377 requires proof of penetration, however, the charge had to be withdrawn. It is, however, rarely used even against homosexuals and transgender people, as cases rarely reach court. Instead, it is an ever-present ideological and physical threat in the lives of all LGBT individuals, particularly those whose livelihood comes from the street, where it forms part of the arsenal for police harassment of sex workers and beggars, be they homosexual or transgender.

43 Section 377, Pakistan Penal Code, <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>.

44 Sarah Suhail. The Medico-Legal Policing of Gender Identity in Pakistan: A Case Study. Unpublished.

Through law and legal institutions, the state regulates gender, enforces heteronormativity, and gives legal weight to social norms, traditions and cultural practises that stigmatise and marginalise same-sex relationships and gender non-conforming individuals.

Current law includes British colonial legislation that has been adopted wholesale by Pakistan as a part of the Pakistan Penal Code. In addition to 377, there is Section 294, which regulates “obscene dance and songs”, and Section 295, an anti-blasphemy law, both of which make LBT people vulnerable to police abuses; Section 295 provides opportunity for community violence (such as individual vigilante attacks or mob violence) in the name of religion. In the 1980s, under then President Zia-ul-Haq’s campaign of Islamization, further criminal offences were put in place, in addition to discriminatory colonial laws called the Hudood ordinances.⁴⁵ Among the provisions of the Hudood Ordinance was the requirement of four witnesses to a rape, without which the victim of rape could be convicted of fornication and jailed.⁴⁶ In 2006, the Hudood Ordinance was amended (see below Women’s Protection Bill).

All of these laws help to legitimise the use of religious rhetoric to justify abuse and discrimination by the Pakistani state. This is further reflected in the **Objectives Resolution**⁴⁷ and **the incorporation of Article 227**⁴⁸ of the

45 <http://www.pakistani.org/pakistan/legislation/hudood.html>

46 The Offense of Zina (Enforcement of Hudood) Ordinance, 1979. http://www.pakistani.org/pakistan/legislation/zia_po_1979/ord7_1979.html Retrieved January 28, 2013. The Protection of Women (Criminal Laws Amendment) Act, 2006,

47 The Objectives Resolution, annexed to the Constitution, begins, “Whereas sovereignty over the entire universe belongs to Allah Almighty alone and the authority which He has delegated to the State of Pakistan, through its people for being exercised within the limits prescribed by Him is a sacred trust.” That is to say, the Objectives Resolution declares Allah sovereign of Pakistan.” http://www.pakistani.org/pakistan/constitution/annex_objres.html

48 Article 227(1), The Constitution of the Islamic Republic of Pakistan. “All existing laws shall be brought in conformity with the

constitution, which stipulates that all law must be brought in conformity with the Qur'an and Sunnah (practices of the Prophet Muhammad).

The **Women's Protection Bill** was instituted in 2006 amending the Hudood Ordinance in a number of ways: firstly it took out Zina-bil-jabr (rape as a *hadd* offence that garnered the highest possible punishment) and placed it within the purview of the Pakistan Penal Code as the offence of rape. Secondly, any complaint regarding rape could not be converted to a charge of fornication under the new law. Thirdly, a number of other offences like kidnapping, abducting or inducing women for marriage, kidnapping or abducting for purposes of rape, and selling people for the purposes of prostitution, were moved into the Penal code. These changes gave judges the authority to try cases under criminal rather than Islamic law.

In 2010, **The Protection Against Harassment of Women at the Workplace Act** was signed into law. This legislation put in place a complaints mechanism for sexual harassment in the workplace. The mechanism has not been tested for sexual harassment on the grounds of sexual orientation, gender identity or gender expression. To do so would likely incur greater harassment and recriminations for people who are already at risk legally and socially for being non-conforming.

Because by and large the state fails to protect the rights of LBT individuals who have been subject to violence or discrimination, the family becomes the only institution to which individuals must turn time and again in times of need. However, the family is unregulated and often holds almost absolute control over the individual. There are no state institutions, such as LBT-friendly shelters, which could support an LBT individual if he/she chose to break away from his or her family of origin.

Injunctions of Islam as laid down in the Holy Quran and Sunnah, in this Part referred to as the Injunctions of Islam, and no law shall be enacted which is repugnant to such Injunctions." <http://www.pakistani.org/pakistan/constitution/part9.html>.

RECOMMENDATIONS

It is evident from our interviews that LBT people in Pakistan are caught in a complex situation that depends on many factors. The government of Pakistan does not provide many positive and protective laws, and our respondents do not see state institutions as a source of current or future support. Even though some respondents suggest that laws should be put in place to protect LBT people, most do not believe that the state will do anything at all to help them.

In many countries and for many movements, an appeal to the legislators is usually the first step to bringing about positive change. In Pakistan, however, this is not necessarily the case and in fact might prove detrimental. There is very little unity or even visibility among LGBT groups, or among LGBT individuals of different class backgrounds and regions of Pakistan. Thus, there is no consolidated movement for the protection of LGBT rights and no strong base of people coming together to call for public discussion on LGBT rights or withstanding the backlash. Lesbians and bisexual women are also scattered far and wide, and often hide even from each other.

In the case of khwajasaras, headway has been made with the Supreme Court's support of a petition brought by khwajasara activists. However, khwajasaras we talked to recommended strongly that the government should take legislative measures to protect khwajasaras in Pakistan from discrimination and violence so they can have the full human rights to which they are entitled.

No cases have been brought to the courts regarding lesbians or bisexual women, so legally speaking, the rights of lesbian and bisexual women have not been tested in the courts. They are not yet in the official notice of the courts or the legislature.

Our first recommendation, then, is for mainstream human rights and women's rights groups to extend support to local movements in any way that the local movement needs. This would mean different things for the different communities who make up the LBT population and would require a separate investigation into what each group needs. Civil society organizations that work on issues of sexuality require LBT-sensitive support. Extending such support to these organizations would go a long way in supporting the movement for LBT rights.

Secondly, we recommend that concerned funders and international human rights organizations support, facilitate, participate in, and provide fora for LBT people to come together and organise support for LBT issues and rights. The main focus of these fora should be consolidating LBT activism at the grassroots level so that the communities can come together and decide for themselves what the next steps will be.

Thirdly, given levels of physical and sexual violence, we recommend that LBT and gay men's groups liaise with women's and queer organizations to set up hotlines and safe houses for LBT people who might need them when they are experiencing violence.

Fourthly, we recommend training and education programs for existing women's shelters to sensitise them about the needs of lesbians and bisexual women, and foster greater tolerance among the residents and management of such shelters to the needs of lesbians and bisexual women. Furthermore, women's rights and human rights organizations in general should be aware of the issues that LBT people face and educate themselves about the aspirations and difficulties of non-heteronormative people.

Finally, we believe that the only way lasting change will come to Pakistani society is through Pakistanis themselves, and in our context, this means through the institution of the family. No legal reform can take hold until the institution of the family is ready to accept change. It is through the family that society at large must be sensitised about needs of LBT people. We recommend that Pakistani LBT activists, human rights defenders and allies foster long-term contact with organizations that work with families in order to slowly sensitise the organizations and the families they work with – providing leadership and intervening in the family structure to bring about changes in how LBT people are treated by their families.

APPENDIX A: GLOSSARY OF TERMS

Chela – the disciples of a Guru.

Dera – the home of the Guru in which all or most of her chelas will live with her.

Extended family – uncles, aunts and cousins from either or both sides of the family.

Guru – the head of the khwajasara family. All the khwajasaras under her are her disciples and are often referred to as her daughters as well.

Joint family home – a residence in which multiple generations of a family live.

Khwajasara – a transgender person who may have been born male-bodied or, occasionally, intersex, but identifies as a woman or with feminine traits and joins the traditional community of the khwajasaras. Khwajasaras (also known as Hijras) have been a part of South Asian society for about 400 years. There are usually two types of khawjasaras in Pakistan, one castrated and one not. The latter group refer to themselves as zanas.

Toli – begging for money in exchange for blessings and prayers. One of the traditional activities of khawjasara communities.