



Home Office

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

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Preface

Purpose

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

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

Assessment

This section analyses the evidence relevant to this note - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within [paragraphs 339C and 339CA\(iii\) of the Immigration Rules](#)/Article 3 of the [European Convention on Human Rights \(ECHR\)](#)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#)
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

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

Country of origin information

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

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

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

All information is publicly accessible or can be made publicly available. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

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

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

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote. Full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

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

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

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

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Assessment

Updated: 25 March 2022

1. Introduction

1.1 Basis of claim

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

1.2 Points to note

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

1.2.2 Most sources in this note refer to LGBTI collectively or to the experiences of trans persons in particular. There is limited information about the experiences of gay and bisexual men or lesbian and bisexual women.

1.2.3 In Pakistani law trans persons are defined as intersex, eunuchs, transgender men and transgender women. They are also referred to under the umbrella term 'khawaja sira' or 'hijras' (see [Domestic legislation](#)).

1.2.4 For general guidance on considering claims made by LGBTI persons, decision makers should refer to the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#), and the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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 In cases where there are doubts surrounding an person's claimed place of origin, decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

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

- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

Official – sensitive: Start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: End of section

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2.3 **Convention reason(s)**

- 2.3.1 Actual or imputed particular social group (PSG).
- 2.3.2 LGBTI persons form a particular social group (PSG) in Pakistan within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it and have a distinct identity in Pakistan because the group is perceived as being different by the surrounding society.
- 2.3.3 Although LGBTI persons form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed is whether the person has a well-founded fear of persecution on account of their actual or imputed convention reason.
- 2.3.4 For further guidance on the 5 Refugee Convention grounds see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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2.4 **Risk**

a. **State treatment**

- 2.4.1 The Pakistan Penal Code (PPC) does not explicitly refer to same-sex sexual activity, but Section 377 defines 'carnal intercourse against the order of nature', as punishable by a fine and/or imprisonment for a period of 2 years to life. There is ambiguity on whether Section 377 applies to women, but it is assumed the law applies to both men and women. The Offence of Zina (Enforcement Of Hudood) Ordinance of 1979 criminalises any form of penetration in a sexual act outside of marriage. Whilst consensual same-sex sexual acts are not explicitly covered by these provisions since LGBTI people are not able to marry they suggest that any same-sex sexual acts that involve penetration could be prosecuted under sharia provisions and may be punished by death. There are no laws prohibiting discrimination on the basis of sexual orientation, consensual same-sex sexual acts are

prohibited as are same-sex civil unions or marriages, and same-sex couples cannot adopt children (see [Legal rights](#) and [Application of the law](#)).

- 2.4.2 Unlike lesbians, gay men and bisexuals, the rights of trans persons are recognised under the 2018 Transgender Persons (Protection of Rights) Act (TPPR Act), which allows trans people (defined in the TPPR Act as intersex, eunuchs, trans men and trans women) to self-identify, register to obtain a driver's license and passport, as well as the right to change and register their gender (if aged over 18) with all government departments, including with the National Database and Registration Authority (NADRA) who issue national identity cards, upon which trans persons are defined by an 'X'. Discrimination and harassment of trans persons is also prohibited under the law. They have also been included in government policies and employment (see [Domestic legislation](#), [Government position](#) and [Access to services](#)).
- 2.4.3 In practice, the proscriptive laws rarely lead to convictions or prosecutions under the PPC or Sharia provisions, although Sections 377 and 294 ('Obscene Acts and Songs') of the PPC have sometimes been used by police as a means to extract bribes or sexual favours under threat of prosecution, particularly against men who have sex with men (MSM) and trans women, who may also be subject to harassment, humiliation, and violence by the police, including sexual violence (see [Application of the law](#), [Arrests and detention](#) and [Treatment by the police](#)). However, all LGBTI persons may be at risk of sanction under provisions of the PPC and sharia law (see [Legal rights](#)).
- 2.4.4 There is limited information about the extent of the treatment by the state faced by lesbian, gay or bisexual persons who openly express their sexual orientation or gender identity. Most information focusses on trans persons, who are protected under the law and have seen an increased inclusion in government programmes and employment, but they may still face discrimination and abuse by state actors.
- 2.4.5 In general, a person living openly as LGBTI is not at real risk of persecution or serious harm by the state. However, each case must be considered on its facts with the onus on the person to demonstrate that they would be at real risk on return. If a person does not openly express their sexual orientation or gender identity, consideration must be given to the reasons why they do not.
- 2.4.6 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#), and the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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b. Societal treatment

- 2.4.7 Pakistan is a conservative Muslim society in which anti-LGBTI attitudes persist and are widespread. LGBTI persons face societal discrimination and stigma as well as family and societal pressure to conform to cultural and religious norms, including marriage. Whilst men who have sex with men (MSM) is reported to be a common phenomenon, being openly gay (or lesbian) is not (see [Societal attitudes and treatment](#)).

- 2.4.8 Various sources maintain that LGBTI persons are, in general, reluctant to be open about their sexuality as they may face abuse, forced marriage, ‘honour killings’, humiliation, societal discrimination and harassment, including in the workplace, in the family and in accessing housing and healthcare. Some persons from a higher socio-economic background in urban areas may ‘come out’ to their family or friends and have access to the ‘underground gay scene’ at private parties or on social media, but if their sexuality is known, they may be exposed to violence or blackmail (see [Societal attitudes and treatment](#)).
- 2.4.9 There is a degree of societal acceptance of trans persons – primarily khawaja siras – who do not conform to the traditional gender binaries. Trans persons are increasingly represented in television and radio roles and in coverage of trans issues in the media. However, many are marginalised or ostracised by their families or wider society and there are numerous reports of violence, intimidation and abuse, particularly against trans women (see [Societal attitudes and treatment](#)).
- 2.4.10 Several organisations offer support and/or advocacy for LGBTI persons throughout Pakistan, particularly in larger cities, although advocates for LGBTI persons may be vulnerable to attack by non-state actors (see [Civil society groups and NGOs](#)).
- 2.4.11 In general, a person living openly as LGBTI is likely to be at risk of treatment from non-state actors which is sufficiently serious by its nature and repetition, or by an accumulation of various measures, that it amounts to persecution or serious harm. Each case must be considered on its facts.
- 2.4.12 Reasons for not being open about their sexual orientation, gender identity or expression may be because the person wishes to conform to societal norms but may also be due to fear of discrimination and/or violence. If a person does not openly express their sexual orientation or gender identity, consideration must be given to the reasons why they do not.
- 2.4.13 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#), and the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to obtain protection from the authorities.
- 2.5.2 Where the person has a well-founded fear of persecution from non-state actors, including ‘rogue’ state actors, decision makers must assess whether the state can provide effective protection.
- 2.5.3 Sources indicate that sexual minorities may be reluctant to report crimes against them for fear of revealing their sexual orientation or because they suspect the response will be inadequate. Whilst there have been some reported cases of persons arrested for crimes against trans persons, these arrests are generally only made in cases of serious crime, such as rape or murder, and not for incidences of harassment or homophobia, which usually

go unreported due to fear of defamation or maltreatment by the police (see [Legal rights](#) and [State attitudes and treatment](#)).

- 2.5.4 Homophobic and discriminatory attitudes also negatively affect how the police handle complaints by LGBTI persons and violence perpetrated against them and several sources indicate that such complaints are not always seriously investigated by the police. However, a few sources point out that, in some cases, the police have responded appropriately to charges or abuses against trans persons (see [Police and judicial response to violence against LGBTI persons](#)).
- 2.5.5 In general, the state may be able, but is not willing, to offer effective protection to lesbian, gay and bisexual persons and the person will not be able to avail themselves to the protection of the authorities. generally
- 2.5.6 Despite the passing of the Transgender Persons (Protection of Rights) Bill 2018, it is reported that police do not always provide adequate protection to trans persons. However, due to the prevailing law protecting trans persons, the reasonable steps taken by the state to operate an effective criminal justice system and that protection is usually accessible, in general, the state is willing and able to provide effective protection to trans persons. Each case must be considered on its facts.
- 2.5.7 For further guidance on assessing state protection, see the Country Policy and Information Note on [Pakistan: Actors of protection](#), the Asylum Instruction on [Assessing Credibility and Refugee Status](#), and the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution or serious harm from the state they are unlikely to be able to relocate to escape that risk.
- 2.6.2 Given that homophobic attitudes are prevalent throughout the country there is unlikely to be any place in Pakistan to which a lesbian, gay or bisexual person could reasonably relocate without making fundamental changes to their behaviour.
- 2.6.3 Trans persons are protected by law and, subject to their individual circumstances, relocation may be reasonable. Unofficial estimates indicated there were at least 300,000 trans persons across the country, with one estimate suggesting there were between 400,000 and 500,000 trans persons in Punjab alone.
- 2.6.4 Internal relocation will not be an option if it depends on the person concealing their sexual orientation and/or gender identity in the proposed new location if the reason (or one of the reasons) is a fear of persecution. Each case must be considered on its facts.
- 2.6.5 For further guidance on considering internal relocation and the factors to be taken into account, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#), and the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

2.6.6 See also the Country Policy and Information Note on [Pakistan: Background, including internal relocation](#).

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2.7 Certification

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

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

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Country information

Section 3 updated: 25 March 2022

3. Legal rights

3.1 Constitution

3.1.1 The Constitution provisions on a citizen's fundamental rights do not mention sexual orientation or gender identity although certain provisions may impact the constitutional rights of lesbian, gay and bisexual (LGB) persons¹. For example, Article 25 of the Constitution states 'All citizens are equal before law and are entitled to equal protection of law.'² Similarly, Article 27 prohibits discrimination in public services based on race, religion, caste, sex, residence or place of birth³. According to Article 14, 'The dignity of man and, subject to law, the privacy of home, shall be inviolable.'⁴

3.1.2 However, there are no laws prohibiting discrimination on the basis of sexual orientation, consensual same-sex sexual acts are prohibited, there is no legal recognition of same-sex civil unions or marriages, and same-sex couples cannot adopt children⁵.

See also [Penal Code](#).

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3.2 Other legislation

3.2.1 The US Department of State (USSD) human rights report for 2020 noted that, 'A 2012 Supreme Court ruling allows transgender individuals to obtain national identification cards listing a "third gender." Because national identity cards also serve as voter registration, the ruling enabled transgender individuals to participate in elections, both as candidates and voters.'⁶

3.2.2 The Transgender Persons (Protection of Rights) Act (TPPR Act), passed by parliament in 2018, aims to ensure the rights of trans persons. The law allows trans people to self-identify, register to obtain a driver's license and passport, as well as to change and register their gender (if aged over 18) with all government departments, including, but not limited to, the National Database and Registration Authority (NADRA). Discrimination and harassment of trans persons is also prohibited under the law⁷.

3.2.3 The TPPR Act, cited by the International Commission of Jurists (ICJ), defines a trans person as a person who is:

'(i) "Intersex" (Khusra) with a "mixture of male and female genital features or congenital ambiguities"; or

¹ [Constitution of Pakistan](#), (Articles 25-27), 10 April 1973

² [Constitution of Pakistan](#), (Article 25), 10 April 1973

³ [Constitution of Pakistan](#), (Article 27), 10 April 1973

⁴ [Constitution of Pakistan](#), (Article 14), 10 April 1973

⁵ ILGA, '[State-sponsored Homophobia 2020](#)' (page 328), December 2020

⁶ USSD, '[2020 Country Reports on Human Rights Practices: Pakistan](#)' (section 6), 30 March 2021

⁷ ICJ, '[Pakistan: Transgender Persons \(Protection of Rights\) Act, 2018](#)' (pages 6, 13, 15), March 2020

‘(ii) “eunuch assigned male at birth, but undergoes genital excision or castration”; or

‘(iii) “a transgender man, transgender woman, Khawaja Sira or any person whose gender identity and/or gender expression differs from the social norms and cultural expectations based on the sex they were assigned at the time of their birth”.’⁸

3.2.4 The term khawaja sira is often used as an umbrella term for trans persons⁹¹⁰. However, according to a September 2020 article published by Il Grande Colibri, an LGBTQI voluntary association, ‘... khawaja sira is a transgender culture and not an Urdu translation for the term transgender.’¹¹ Describing this culture, an article in The Sunday Long Read noted ‘The Khwaja Sira community dates back to the Mughal Empire, the 16th- to 19th-century power centered in India, and the term Khwaja Sira itself stems from when the word — derived from Urdu and Farsi — was used as a title for trans, castrated, and gender nonconforming officials in the Mughal court.’¹² Il Grande Colibri noted ‘After the downfall of the Mughal Empire, the designation of the term khawaja sira (which was originally meant to describe eunuchs) started to get more largely used to address transgender women and non-binary people.’¹³

See also [Societal norms](#).

3.2.5 A briefing paper dated March 2020 by the International Commission of Jurists (ICJ) analysed the TPPR Act in light of Pakistan’s obligations under international law and noted the inclusion of intersex persons in the category of transgender was inaccurate as it failed to ‘... fully recognize the specific legal protections required for intersex people.’¹⁴

3.2.6 The TPPR Act does not require a person who self-identifies as ‘transgender’ to obtain any official or medical recognition of gender reassignment¹⁵.

3.2.7 However, in regard to registration with NADRA and obtaining a National Identity Card (NIC), a September 2020 article published by Il Grande Colibri, noted:

‘Khursand Bayar Ali, a well-known transgender activist from Lahore, said that getting an “X” gender identity card from NADRA requires only a few steps. One just needs to go to the nearest NADRA office and to get the “X” gender national identity card without any hurdle. However, the real battle starts when a transgender person (identifying with binary gender) wants to get either a male or a female identity card.

‘Khursand said that NADRA officials demand various kinds of medical documents to process the request, which include gender assessment forms and sex verification certificate. This is a clear violation of the law stating any

⁸ ICJ, [‘Pakistan: Transgender Persons \(Protection of Rights\) Act, 2018’](#) (page 7), March 2020

⁹ Dawn, [‘Engendering rights’](#), 19 July 2017

¹⁰ Daily Times, [‘Khwaja Siras of Pakistan: A Community’](#), 12 September 2017

¹¹ Il Grande Colibri, [‘Prospects for Trans People in Pakistan: A Comprehensive...’](#), 9 September 2020

¹² Sunday Long Read, [‘From Sacred to Shunned: The Khwaja Sira and trans rights...’](#), 22 May 2021

¹³ Il Grande Colibri, [‘Prospects for Trans People in Pakistan: A Comprehensive...’](#), 9 September 2020

¹⁴ ICJ, [‘Pakistan: Transgender Persons \(Protection of Rights\) Act, 2018’](#) (page 8), March 2020

¹⁵ ICJ, [‘Pakistan: Transgender Persons \(Protection of Rights\) Act, 2018’](#) (page 4), March 2020

Pakistani citizen can have identification documents based on the gender of their own choice.¹⁶

- 3.2.8 In November 2021, the English-language news site, Dawn, noted that the Jamaat-i-Islami (JI) presented a bill in the Senate seeking an amendment to the Act, ‘... for the creation of a medical board that would recommend whether a person’s gender should change.’¹⁷ The amendment also indicated that the law in its current form could lead to the ‘legalisation of homosexual marriages’.¹⁸ ¹⁹ At the time of publication of this CPIN, the amendment bill had not been incorporated into the law, and was pending with the Standing Committee on Human Rights²⁰.
- 3.2.9 With regard to the inclusion of begging by transgender persons as an offence under the TPPR Act, the ICJ March 2020 briefing states:
- 3.2.10 ‘Including begging by transgender people as a separate, distinct offence under the Transgender Persons (Protection of Rights) Act is at the very least questionable since for many transgender people in Pakistan, begging remains one of their limited livelihood opportunities. Laws related to beggary, including the Punjab Vagrancy Ordinance, have been significantly misused against the transgender community, allowing for law enforcement agencies to harass, blackmail, imprison and sexually assault transgender people. Furthermore, the police routinely interpret the vague penal clauses on “begging” and “vagrancy” to prohibit and penalize spiritual and celebratory rituals of the khawajasira community (for instance, at weddings and childbirth) that have crucial significance in the community’s folk tradition.’²¹

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3.3 Penal Code

- 3.3.1 The Pakistan Penal Code (PPC) does not specifically refer to same-sex sexual acts but deals with actions considered ‘unnatural offences’. Section 377 states ‘Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years nor more than ten years, and shall also be liable to fine ... Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.’²²
- 3.3.2 According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) World December 2019 report, provisions under Section 377 of the PPC applied to all genders²³, though in the same report ILGA

¹⁶ Il Grande Colibri, ‘[Prospects for Trans People in Pakistan: A Comprehensive...](#)’, 9 September 2020

¹⁷ Dawn, ‘[JI seeks formation of medical board to recommend gender change...](#)’, 15 November 2021

¹⁸ Dawn, ‘[JI seeks formation of medical board to recommend gender change...](#)’, 15 November 2021

¹⁹ Senate of Pakistan, ‘[Private Member Bills – The Transgender Persons...](#)’, 15 November 2021

²⁰ Senate of Pakistan, ‘[Private Member Bills – The Transgender Persons...](#)’, 15 November 2021

²¹ ICJ, ‘[Pakistan: Transgender Persons \(Protection of Rights\) Act, 2018](#)’ (page 19), March 2020

²² [Pakistan Penal Code \(Act XLV of 1860\)](#), (Section 377), 6 October 1860

²³ ILGA, ‘[State Sponsored Homophobia report...](#)’ (page 51), December 2019

indicated same-sex sexual acts were illegal for men only²⁴. In its 2020 report, ILGA simply noted that same-sex sexual acts were criminalised²⁵.

- 3.3.3 The Australian Department of Foreign Affairs and Trade (DFAT) Country Information Report for Pakistan, dated January 2022, based on a various sources, noted, ‘Uncertainty around the definition of “carnal intercourse” makes it unclear whether this provision applies to sexual activity between women.’²⁶ In an Independent Advisory Group on Country Information (IAGCI) commissioned review, dated 2015, by Professor of Politics at SOAS University of London, Dr Matthew Nelson, he 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.’²⁷ Dr Matthew Nelson considered that any form of penetration outside of a conventional understanding of heterosexual sexual contact is criminalised: lesbians and other bisexual or trans groups are not necessarily exempt²⁸.
- 3.3.4 However, whilst some sources did not clarify whether Section 377 of the PPC applied to lesbians, bisexual or trans persons, the Government of Pakistan (GoP) indicated, in its Global AIDS Monitoring 2020 progress report (covering January to December 2019) submitted to UNAIDS, that Section 377, ‘criminalizes male-to-male sex...’²⁹
- 3.3.5 The Neengar Society, a non-profit organization working in Pakistan for the rights of religious and sexual minorities, told the Research Directorate of the Immigration and Refugee Board of Canada (IRB) in 2013, that Section 294 – ‘Obscene Acts and Songs’ – of the PPC, was sometimes applied to trans persons and male sex workers³⁰. In its 2020 report, ILGA repeated this assertion³¹.
- 3.3.6 Section 294 of the PPC 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.’³²
- 3.3.7 Section 375 of the PPC defines rape in gendered terms – as a crime that only a man can commit against a woman³³ – thereby omitting the perpetration of male rape or rape against trans persons^{34 35}.

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²⁴ ILGA, ‘[State Sponsored Homophobia report...](#)’ (page 174), December 2019

²⁵ ILGA, ‘[State-sponsored Homophobia 2020](#)’ (page 328), December 2020

²⁶ DFAT, ‘[Country Information Report – Pakistan](#)’ (paragraph 3.101), 25 January 2022

²⁷ IAGCI, ‘[Review: Country Information and Guidance Pakistan...](#)’ (pages 1 to 2), 2015

²⁸ IAGCI, ‘[Review: Country Information and Guidance Pakistan...](#)’ (page 2), 2015

²⁹ UNAIDS, ‘[Country progress report - Pakistan; Global AIDS Monitoring 2020](#)’ (page 26), 2020

³⁰ IRB, ‘[Pakistan: Situation of sexual minorities in Islamabad, Karachi and Lahore...](#)’, 13 January 2014

³¹ ILGA, ‘[State-sponsored Homophobia 2020](#)’ (page 134), December 2020

³² [Pakistan Penal Code \(Act XLV of 1860\)](#), (Section 294), 6 October 1860

³³ [Pakistan Penal Code \(Act XLV of 1860\)](#), (Section 375), 6 October 1860

³⁴ Daily Times, ‘[No justice for a male rape victim](#)’, 6 February 2020

³⁵ ICJ, ‘[Pakistan: Transgender Persons \(Protection of Rights\) Act, 2018](#)’ (page 7), March 2020

3.4 Sharia (Islamic law)

3.4.1 Hudood legislation – in the late 1970s provisions were introduced to bring the Pakistan Penal Code into conformity with Sharia. The Offence of Zina (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’, that is, sexual intercourse outside marriage³⁶. A Federal Shariat Court may examine and decide whether any law is ‘repugnant to the injunctions of Islam’ and exercises jurisdiction over the lower courts deciding Hudood cases. The decisions of the Federal Shariat Court can be appealed to the Shariat Appellate Bench of the Supreme Court³⁷.

3.4.2 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.’³⁸

3.4.3 Dr Matthew Nelson, in his review of CPIT’s Pakistan COI products for the IAGCI, referred to section 4 of the Hudood Ordinance and noted:

‘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. It should be noted that the same standard of “penetration” is used in the legal “explanations” pertaining to both Section 377 and the Hudood Ordinance. This standard is not necessarily restricted to gay men; it can be used to prosecute different forms of non-heterosexual and even heterosexual sexual contact...

‘[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 confession³⁹] ...’⁴⁰

3.4.4 According to a paper on Sharia and LGBT rights, by Javaid Rehman and Eleni Polymenopoulou of the Brunel Law School, published in 2013, ‘Regarding the punishment for homosexuality, there is a consensus among the four leading Sunni schools of thought and most Islamic scholars that homosexual acts are a major sin (fahicha) and may be punishable by death.’⁴¹ The IRB noted, in a response on the treatment of sexual and gender minorities, covering events between 2017 and January 2019, that according to sources, ‘... under Sharia... homosexuals face the death penalty in Pakistan.’⁴² The paper by Rehman and Polymenopoulou noted, ‘[F]or Islamic scholars who consider that the punishment of homosexuality is

³⁶ Landinfo, ‘[Pakistan: Homosexuals and homosexuality](#)’ (section 3.1), 3 May 2013

³⁷ EASO, ‘[Pakistan: Country Overview](#)’ (page 26), August 2015

³⁸ [The Offence of Zina \(Enforcement Of Hudood\) Ordinance, 1979](#)

³⁹ [The Offence of Zina \(Enforcement Of Hudood\) Ordinance, 1979](#) (section 8)

⁴⁰ IAGCI, ‘[Review: Country Information and Guidance Pakistan...](#)’ (page 2), 2015

⁴¹ Rehman J and Polymenopoulou E, ‘[Is Green a Part of the Rainbow?...](#)’ (page 12), 2013

⁴² IRB, ‘[Pakistan: Treatment of sexual and gender minorities...](#)’, 17 January 2019

equivalent to the punishment for zina, the death sentence, provided the evidentiary requirements are met, may be also applied...⁴³

- 3.4.5 Landinfo's (the Norwegian Country of Origin Information Centre) considered in its report of May 2013 '... that Sharia law in Pakistan, as opposed Iran and Afghanistan, does not authorise the death penalty for voluntary sex between persons of the same gender. Lifetime imprisonment under Penal Code paragraph 377 thus seems to be the strictest penalty.'⁴⁴
- 3.4.6 However, the GoP stated in its Global AIDS Monitoring 2020 progress report that, 'Sharia... carries heavy penalties for homosexuality – of imprisonment for 2-10 years or for life, or of 100 lashes or stoning to death (depending on whether the person is married or not).'⁴⁵

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Section 4 updated: 25 March 2022

4. State attitudes and treatment

4.1 Government position

- 4.1.1 ILGA noted in its March 2019 State-Sponsored Homophobia report that 'Pakistan has been particularly vocal at the Human Rights Council and at various UN fora in its refusal to embrace SOGI within the scope of the various human rights Treaty Bodies, and in its promotion of the "traditional values of humankind" resolutions at the Human Rights Council.'⁴⁶
- 4.1.2 The same report added, 'During its 3rd cycle of the [Universal Periodic Review] UPR carried out in November 2017, Pakistan received seven SOGIESC [sexual orientation, gender identity, gender expression and sex characteristics] recommendations. It accepted two of them, whilst noting (functionally rejecting) all remaining five.'⁴⁷ Pakistan 'rejected' the recommendations to adopt legislative measures to decriminalise consensual same-sex sexual relations and to take measures to protect the LGBTIQ community from discrimination and violations to their human rights⁴⁸.
- 4.1.3 The News International reported in February 2020 that parliamentarians had been approached by gay men requesting they have legal rights. Raising the issue in the Senate, Ghaus Niazi MP said '... the government should not take dictation from Europe on the issue.'⁴⁹
- 4.1.4 Cedoca, the Documentation and Research Department of the Office of the Commissioner General for Refugees and Stateless Persons (CGRS), Belgium, published a report on the situation of sexual minorities in Pakistan, dated April 2020, covering events from August 2016 to 6 May 2020. The report cited an email dated 15 April 2020 from Qasim Iqbal, director of the NAZ Male Health Alliance (known as NAZ), a community-based organisation in Pakistan supporting men who have sex with men (MSM) and transgender

⁴³ Rehman J and Polymenopoulou E, '[Is Green a Part of the Rainbow?...](#)' (page 12), 2013

⁴⁴ Landinfo, '[Pakistan: Homosexuals and homosexuality](#)' (page 6), 3 May 2013

⁴⁵ UNAIDS, '[Country progress report - Pakistan; Global AIDS Monitoring 2020](#)' (page 26), 2020

⁴⁶ ILGA, '[State-sponsored Homophobia 2019](#)', (page 463), March 2019

⁴⁷ ILGA, '[State-sponsored Homophobia 2019](#)', (page 463), March 2019

⁴⁸ ILGA, '[State-sponsored Homophobia 2019](#)', (pages 463 to 464), March 2019

⁴⁹ News International, '[Gays contact MPs, seek legal cover for homosexuality](#)', 11 February 2020

rights, which responded to questions posed by Cedoca. Iqbal stated in regard to the position of sexual minorities under the prime minister, Imran Khan's leadership, 'There has been no acknowledgement of the LGBTQ community in Pakistan however there has been a strong message of solidarity with the Transgender community with their inclusion in most of the social programs that have been declared in Imran Khan's tenure and many Transgender representatives being employed in advisory positions in governmental institutions.'⁵⁰

4.1.5 According to the DFAT report, 'Some 13 transgender candidates stood for election in 2018, and in 2019 Pakistan's Minister for Human Rights appointed a transgender woman to her department for the first time.'⁵¹

4.1.6 In December 2019, Prime Minister Imran Khan launched the provision of Sehat Insaf Cards (health insurance cards), under the Sehat Sahulat Programme (SSP – government health insurance for vulnerable persons), for the trans community^{52 53}. Trans persons must register with the National Database and Registration Authority (NADRA) and acquire a National Identity Card (NIC) to benefit from the SSP⁵⁴. In March 2021 it was reported that only 1,600 trans persons were registered with NADRA, and only 500 had enrolled under the SSP⁵⁵, though according to interior ministry data, between July 2018 and June 2021 there were over 28,000 cases of gender change registered with NADRA⁵⁶.

See also [Access to healthcare](#).

4.1.7 The non-governmental organisation (NGO) Human Rights Commission of Pakistan (HRCP) annual report for 2020 noted, in regard to Punjab province, that:

'Hopeful signs of transgender people being integrated into the mainstream public domain are rare but there are some enlightening exceptions. Pakistan's first transgender police officer was appointed in Rawalpindi. Reem Sharif, herself subject to discrimination and harassment in the past, was uniquely qualified as a "trans victim support officer" to resolve disputes and provide advice to the community.'⁵⁷

4.1.8 The USSD human rights report for 2020 noted that:

'In 2019 the inspector general of police announced that the government would provide 0.5 percent of the office jobs in the Sindh police force to members of the transgender community. In May, Rawalpindi police launched a pilot project to protect transgender individuals. The project, called the Tahafuz Center, opened on May 12, and included the first transgender victim-support officer, also a member of the transgender community...

⁵⁰ CGRS-Cedoca, '[Pakistan - Situatie van seksuele minderheden](#)' (page 20), 27 April 2020

⁵¹ DFAT, '[Country Information Report – Pakistan](#)' (paragraph 3.103), 25 January 2022

⁵² Dawn, '[Health card facility for transgenders launched](#)', 31 December 2019

⁵³ Daily Times, '[Health cards for trans people](#)', 1 January 2020

⁵⁴ Express Tribune, '[Transgender people urged to register with NADRA](#)', 5 March 2021

⁵⁵ Express Tribune, '[Transgender people urged to register with NADRA](#)', 5 March 2021

⁵⁶ Dawn, '[JI seeks formation of medical board to recommend gender change...](#)', 15 November 2021

⁵⁷ HRCP, '[State of Human Rights in 2020](#)' (page 35), 2021

'A local NGO reported that prison officials in Khyber Pakhtunkhwa housed transgender prisoners separately and that the provincial government formed a jail oversight committee to improve the prison situation. Khyber Pakhtunkhwa police stations began offering a dedicated intake desk for transgender persons along with addition of transgender rights education in police training courses. Local NGOs working in the Islamabad Capital Territory and Punjab conducted transgender sensitization training for police officers.'⁵⁸

4.1.9 The HRCP 2020 report stated:

'The Punjab Social Protection Authority's (PSPA) new Masawaat programme is described as an initiative to mainstream transgender people through the provision of education, health and housing support in ensuring a minimum standard of living, and access to income-generating activities. However, the PSPA also mentions that "administrative efficiency grounds" will govern the selection of interventions from its Transgender Persons Welfare Policy and it is unclear when and how this programme will be administered.'⁵⁹

4.1.10 In February 2020, Pakistan was represented by trans woman, Aisha Mughal, at the United Nations convention to end violence against women⁶⁰.

4.1.11 Despite some positive action for trans persons, the ICJ noted:

'... Pakistan still remains one of the most vocal opponents to greater recognition and protection of human rights on the basis of SOGIESC. While a bare acknowledgment at the societal and governmental level exists for the historically recognized khawajasira community, in which all other transgender identities are then folded in through this law, it remains to be seen whether the protections afforded by the legislation will extend to transgender people who may also identify as lesbian, gay, pan or bisexual.'⁶¹

4.1.12 The Foreign, Commonwealth and Development Office (FCDO) noted in its Human Rights and Democracy report 2020 that, 'Pakistan's Ministry of Human Rights advocated transgender rights. In February, Pakistan became the first country to include an openly transgender woman in its national delegation to the United Nations Convention on the Elimination of all Forms of Discrimination against Women Committee. However, same-sex relationships remained illegal, and LGBT+ people continued to face violence and discrimination.'⁶²

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4.2 Arrests and detention

4.2.1 The IRB cited Forum and Dignity Initiatives (FDI) and NAZ Pakistan, who stated in their 2017 Universal Periodic Review (UPR) submission, 'In the last years, many cases have been reported where transgender women in Pakistan have been illegally arrested by the police using provisions of the law that criminalize same sex relationships and they have been charged with

⁵⁸ USSD, '[2020 Country Reports on Human Rights Practices: Pakistan](#)' (section 6), 30 March 2021

⁵⁹ HRCP, '[State of Human Rights in 2020](#)' (page 35), 2021

⁶⁰ Daily Times, '[Trans woman Aisha Mughal represents Pakistan at UN](#)', 18 February 2020

⁶¹ ICJ, '[Pakistan: Transgender Persons \(Protection of Rights\) Act, 2018](#)' (page 5), March 2020

⁶² FCDO, '[Human Rights and Democracy: 2020...](#)' (Chapter 4: Pakistan), 8 July 2021

cases related to defying the order of nature (unnatural offence against the order of nature), public nascence [sic], unnatural offences and indecent assault.⁶³

- 4.2.2 The GoP noted in its Global AIDS Monitoring 2018 progress report submitted to UNAIDS (covering 2017), that men who have sex with men (MSM) had been arrested 'during the past 12 months.'⁶⁴ The GoP's progress reports for 2019 (covering 2018) and 2020 (covering 2019) repeated this assertion^{65 66}. No information, however, was provided about the number of arrests or context in which the arrests were made⁶⁷.
- 4.2.3 The Express Tribune reported in July 2019 on the arrest of a British national woman from Azad Jammu and Kashmir (AJK) and her Pakistani niece at Islamabad airport after their travel documents indicated they were married. The pair, who were travelling to the UK, were arrested by Federal Investigative Agency (FIA) '... for misrepresenting facts on their travel documents.' According to the report, 'The British woman told FIA officers that a lawyer had guaranteed a visa for her niece if they pose as a lesbian couple and apply for asylum, citing a threat to their lives.' The women were taken into custody and moved to the Human Trafficking Cell for further investigation⁶⁸. Further and corroborating information could not be found among the sources consulted by CPIT (see [Bibliography](#)).
- 4.2.4 In July 2020, The Express Tribune reported that a single-member bench of the Rawalpindi registry of the Lahore High Court had ordered the formation of a medical board to undertake a 'gender test' on a transman who was accused of changing his gender to marry a woman, known as Neha. Ali Akash, previously known as Aasma Bibi, maintained he had undergone gender reassignment surgery⁶⁹. The couple were summoned and charged with contracting a same-sex marriage after Neha's father filed a writ in the Rawalpindi court contending the marriage was unIslamic^{70 71}.
- 4.2.5 According to the English-language Pakistani newspaper, The News International, reporting on the above case in August 2020, Akash submitted a request for the medical examination to be stopped, which was denied. After this he failed to appear in court and claimed that he had divorced his wife in a bid for the case to be dropped. An arrest warrant for Akash was issued and Neha was also ordered to appear in court. The judge hearing the case claimed Akash was 'impersonating as a boy' to marry Neha and asserted "We are living in an Islamic state rather in America. Some people wanted to make it America where boys marrying with boys and girls marrying with girls..."⁷²

⁶³ IRB, '[Pakistan: Treatment of sexual and gender minorities...](#)', 17 January 2019

⁶⁴ UNAIDS, '[Country progress report - Pakistan Global AIDS Monitoring 2018](#)' (page 13), 2018

⁶⁵ UNAIDS, '[Country progress report - Pakistan Global AIDS Monitoring 2019](#)' (page 15), 2019

⁶⁶ UNAIDS, '[Country progress report - Pakistan: Global AIDS Monitoring 2020](#)' (page 26), 2020

⁶⁷ UNAIDS, '[Country progress report - Pakistan Global AIDS Monitoring 2018](#)' (page 13), 2018

⁶⁸ Express Tribune, '[Aunt, niece posing as same-gender couple caught at airport](#)', 25 July 2019

⁶⁹ Express Tribune, '[Gender test ordered in alleged same-sex marriage](#)', 16 July 2020

⁷⁰ Express Tribune, '[Gender test ordered in alleged same-sex marriage](#)', 16 July 2020

⁷¹ News International, '[LHC rejects Akash's plea to stop medical examination...](#)', 6 August 2020

⁷² News International, '[LHC rejects Akash's plea to stop medical examination...](#)', 6 August 2020

- 4.2.6 Trans-rights activist, Julie Khan, was arrested on 10 August 2020 by Islamabad police in an alleged fabricated case, reported Independent News Coverage Pakistan (INCPAK). The report noted, ‘According to social media Julie Khan was arrested and manhandled by Islamabad Police in an apparent fabricated case by the transgender community who do not want her around’⁷³. According to New York-based magazine, Paper, Julia was held in the men's section of the Adiyala jail⁷⁴, despite her legal status not being listed as male⁷⁵. Following protests about her arrest, Julie was released on bail on 18 August 2020⁷⁶. Further information on the status of the case could not be found among the sources consulted by CPIT (see [Bibliography](#)).
- 4.2.7 In October 2020, a Pakistan-based digital media platform reported that 2 lesbian women, who announced their relationship on Facebook, were ‘... arrested by the police after their relatives and friends reported about their relationship and marriage plan.’⁷⁷ Further and corroborating information could not be found among the sources consulted by CPIT (see [Bibliography](#)).

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4.3 Prosecutions and convictions

- 4.3.1 The IRB noted in a response dated January 2014, covering 2010 to 2013 events, ‘Several sources indicate that the law [Section 377] is rarely enforced in practice [in cases other than those involving children].’⁷⁸ The President of Neengar Society told the IRB that, although Section 377 and 294 laws were rarely enforced, they were ‘used to threaten and blackmail people.’⁷⁹ DFAT also noted in its 2019 report, ‘Section 377 has rarely been enforced, although police reportedly threaten men with prosecution as a means of extracting a bribe.’⁸⁰ DFAT echoed this in its January 2022 report on Pakistan, noting that Section 377 was reportedly used by police ‘to extract bribes or sexual favours.’⁸¹
- 4.3.2 Dr Matthew Nelson stated that, due to the high evidentiary requirements, ‘LGBT convictions for zina are very rare.’ He added ‘However, the fear of prosecution under Section 377 or the Hudood Ordinance is significant for LGBT individuals, even despite the fact that convictions leading to formal legal punishments are rare.’⁸²
- 4.3.3 ILGA stated in its report of May 2015, ‘We are not aware of contemporaneous evidence that consensual same-sex sexual activity has been targeted for the death penalty in... Pakistan.’⁸³ In its 2017 report, ILGA noted ‘there appears to be no data to suggest the death penalty has been implemented in [Pakistan] for consensual same-sex sexual acts between

⁷³ INCPAK, ‘[Justice for Julie Khan: Arrested in an alleged fabricated case](#)’, 13 August 2020

⁷⁴ Paper, ‘[Why #JusticeForJulie Should Be Trending](#)’, 18 August 2020

⁷⁵ Dazed, ‘[Pakistan protests oppose the arrest of trans activist Julie Khan](#)’, 19 August 2020

⁷⁶ News International, ‘[The not-so-curious case of trans oppression in Pakistan](#)’, September 2020

⁷⁷ Republic of Buzz, ‘[Lesbians Arrested in Karachi Amidst Marriage-...](#)’, 5 October 2020

⁷⁸ IRB, ‘[Pakistan: Situation of sexual minorities in Islamabad, Karachi and Lahore...](#)’, 13 January 2014

⁷⁹ IRB, ‘[Pakistan: Situation of sexual minorities in Islamabad, Karachi and Lahore...](#)’, 13 January 2014

⁸⁰ DFAT, ‘[Country Information Report – Pakistan](#)’ (para 3.217), 20 February 2019

⁸¹ DFAT, ‘[Country Information Report – Pakistan](#)’ (paragraph 3.101), 25 January 2022

⁸² IAGCI, ‘[Review: Country Information and Guidance Pakistan...](#)’ (page 2), 2015

⁸³ ILGA, ‘[State-sponsored Homophobia 2015](#)’, (page 28), May 2015

adults and in private.⁸⁴ ILGA noted in 2019 that the death penalty is a 'possible punishment' in Pakistan for consensual same-sex sexual acts⁸⁵.

- 4.3.4 In its response of January 2019, the IRB cited an Agence France-Presse (AFP) article, dated October 2018, which reported that 'Pakistan has never convicted anyone for homosexual acts.'⁸⁶ The USSD did not report any legal actions against LGB persons in its 2019⁸⁷ and 2020⁸⁸ human rights reports, and neither did Freedom House in its 2020⁸⁹ and 2021⁹⁰ Freedom in the World reports on Pakistan.
- 4.3.5 In its Global AIDS Monitoring 2018 progress report, the GoP stated that trans people were 'Neither criminalized nor prosecuted' and acknowledged that a third gender was legally recognised⁹¹. However, the GoP stated in its 2019 and 2020 Global AIDS Monitoring progress reports that trans people were 'Both criminalized and prosecuted' without indicating what had changed since 2018 or referring to specific legislation or acts against trans persons in support of this statement^{92 93}. According to interior ministry data, between July 2018 and June 2021 there were over 28,000 cases of gender change registered with NADRA⁹⁴, indicating the TPPR Act was being applied.

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4.4 Treatment by the police

- 4.4.1 In its 2019 report, the IRB cited sources that reported men who have sex with men (MSM) had been extorted by the authorities, including by police⁹⁵.
- 4.4.2 Reporting on trans women in Khyber-Pakhtunkhwa province, Human Rights Watch (HRW) stated in May 2018 that, 'According to transgender rights groups, on occasions the police have taken transgender women to the police station, they taunted them, forcibly removed their clothing, ordered them to dance, and poured cold water on them when they refused. Those who complained were subjected to more abuse.'⁹⁶
- 4.4.3 The HRCP report for 2018 noted, 'Transgender people particularly are subjected to harassment, humiliation, and violence by the police, including sexual violence.'⁹⁷
- 4.4.4 CPIT found limited additional relevant information on treatment by the police since the [previous CPIN](#) was published in July 2019.

⁸⁴ ILGA, '[State-sponsored Homophobia 2017](#)', (page 8), May 2017

⁸⁵ ILGA, '[State-sponsored Homophobia 2019](#)', (page 16), March 2019

⁸⁶ IRB, '[Pakistan: Treatment of sexual and gender minorities...](#)', 17 January 2019

⁸⁷ USSD, '[2019 Country Reports on Human Rights Practices: Pakistan](#)', 11 March 2020

⁸⁸ USSD, '[2020 Country Reports on Human Rights Practices: Pakistan](#)', 30 March 2021

⁸⁹ Freedom House, '[Freedom in the World 2020: Pakistan](#)', 4 March 2021

⁹⁰ Freedom House, '[Freedom in the World 2021: Pakistan](#)', 3 March 2021

⁹¹ UNAIDS, '[Country progress report - Pakistan Global AIDS Monitoring 2018](#)' (page 11), 2018

⁹² UNAIDS, '[Country progress report - Pakistan Global AIDS Monitoring 2019](#)' (page 12), 2019

⁹³ UNAIDS, '[Country progress report - Pakistan; Global AIDS Monitoring 2020](#)' (page 20), 2020

⁹⁴ Dawn, '[JI seeks formation of medical board to recommend gender change...](#)', 15 November 2021

⁹⁵ IRB, '[Pakistan: Treatment of sexual and gender minorities...](#)', 17 January 2019

⁹⁶ HRW, '[Another Transgender Woman Killed in Pakistan](#)', 8 May 2018

⁹⁷ HRCP, '[State of Human Rights in 2018](#)', (page 181), March 2019

- 4.4.5 Reporting on events in 2019 in Khyber Pakhtunkhwa (KP), the HRCP noted, ‘In February, Charsadda police refused to provide the community protection for a birthday celebration for one of their members despite permission being given by the district commissioner. It was claimed at the time that not one meeting had been held by a KP police committee formed for the protection of transgender persons in the province.’⁹⁸
- 4.4.6 Speaking with Reem Sharif, Pakistan’s first transgender police officer, a July 2020 Reuters article stated, ‘She [Sharif] believes she can have a positive impact upon the police, who often harass beggars and sex workers for bribes - the only work available to many trans people. “The police ... treat (trans people) with contempt and disdain since they, too, belong to the same society and have the same mindset as the rest.” she said.’⁹⁹

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4.5 Police and judicial response to violence against LGBTI persons

4.5.1 The 2014 IRB response noted that:

‘According to Al Arabiya News, an English-language news service based in Dubai, most hate crimes against LGBT people in Pakistan are unreported or are out of the public spotlight (24 Aug. 2014). Similarly, the WEWA [Women Employees Welfare Association] representative indicated that in cases in which gay men or lesbians are murdered, the family often does not report the motive of the crime in order to not dishonour the family, or claims it was an “honour killing” or a suicide (31 Dec. 2014).’¹⁰⁰

4.5.2 The IRB report of 2019 cited:

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

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

‘Regarding the obstacles for sexual and gender minorities to report incidents to police, the same source further stated that having one’s “sexual orientation or gender identity [revealed] might increase risks and threats to safety and life of an individual”.’¹⁰¹

4.5.3 The same report noted:

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

⁹⁸ HRCP, ‘[State of Human Rights in 2019](#)’ (page 142), 2020

⁹⁹ Reuters, ‘[From victim to protector: Pakistan’s first trans cop fights for justice](#)’, 15 July 2020

¹⁰⁰ IRB, ‘[Pakistan: Situation of sexual minorities in Islamabad, Karachi and...](#)’, 13 January 2014

¹⁰¹ IRB, ‘[Pakistan: Treatment of sexual and gender minorities...](#)’, 17 January 2019

“The police harass and mock the [t]ransgender complainants, and often make sexual advances. A complaint is rarely registered, and they exhibit an indifferent attitude. The transgender communities feel scared and intimidated by the police and often choose not to report the crimes. The police’s reputation is further tarnished in the community because of its pattern of profiling [transgender persons] and harassing them in public spaces”.¹⁰²

- 4.5.4 The IRB 2019 report added ‘The Nation’s [2017] article on attacks against transgender persons reports that the Pakistani state “does nothing to protect them against the constant attacks they face on a daily basis” ... RFE/RL reports that “[d]ozens of transgender people” protested in Peshawar in August 2018 to demand more protection from violent crimes.’¹⁰³
- 4.5.5 Referring to the 66 trans people killed between 2015 and 2019 in Khyber Pakhtunkhwa, DFAT noted that, according to the NGO Trans Action Alliance, no arrests had been made¹⁰⁴.
- 4.5.6 Reporting on events in 2019 in Khyber Pakhtunkhwa, the HRCP noted in its section under trans persons that, ‘When Shakeela was forcibly taken from outside a mosque in Mardan on Eid day in June, beaten and her head shaved for refusing to pay extortion money to the gang, the police took no action. An FIR was only registered after a protest but no arrests were made.’¹⁰⁵
- 4.5.7 In July 2019, The News International reported that a local court in Peshawar sentenced to death the killer of a transwoman 2016¹⁰⁶. In October 2019, Dawn news reported on the reluctance of police to record the reported torture and rape of a trans person. Although police later claimed to have registered the case and ‘booked’ 5 persons for rape and kidnapping, no arrests were made¹⁰⁷. In April 2020, UCA news reported that a man had been arrested on suspicion of the rape and murder of a teenage trans boy¹⁰⁸.
- 4.5.8 Qasim Iqbal of NAZ stated in his email to Cedoca in April 2020:
‘Instead of protections for the LGBTQ community against violence, there are punitive laws that outlaw their gender and sexual identity. This de incentivizes people from reporting violations to law enforcement. There are no laws to prosecute violations against the queer community and this has inculcated a culture where violence against LGBTQ are often ignored or even nurtured by law enforcement. More recently, there has been legislation passed in the National Assembly and Senate that protects the rights of the Transgender community, but the discriminatory nature of law enforcement towards the transgender community still persists.’¹⁰⁹
- 4.5.9 Iqbal was also cited as saying:

¹⁰² IRB, [‘Pakistan: Treatment of sexual and gender minorities...’](#), 17 January 2019

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

¹⁰⁴ DFAT, [‘Country Information Report – Pakistan’](#) (paragraph 3.101), 25 January 2022

¹⁰⁵ HRCP, [‘State of Human Rights in 2019’](#) (page 142), 2020

¹⁰⁶ News International, [‘Killer of transgender gets death sentence after 3 years’](#), 24 July 2019

¹⁰⁷ Dawn, [‘Five booked in Sahiwal for kidnap and rape of transperson’](#), 21 October 2019

¹⁰⁸ UCA News, [‘Christian transgender raped, murdered in Pakistan’](#), 8 April 2020

¹⁰⁹ CGRS-Cedoca, [‘Pakistan - Situatie van seksuele minderheden’](#) (page 8), 27 April 2020

‘There is no legislation that protects the LGBTQ community from violence. Even if cases are reported of violence against an LGBTQ person, the police are more likely to indite [sic] the accuser for involvement in homosexual acts as the victims feel endangered because of their sexual orientation and often do not even report cases. More recently, the transgender community has been gaining legal ground on reporting and prosecuting cases of violence against them. One such case was that a man accused of murdering a transgender person was arrested by the police and for the first time in Pakistani history was sentenced to prison for his crime after he was proven guilty in a court trial.’¹¹⁰

4.5.10 The HRCP annual report for 2020 said that, ‘perpetrators are not apprehended’ when cases of violence against members of the transgender community were registered with the police¹¹¹.

4.5.11 Similar to its 2018¹¹² and 2019¹¹³ reports, the USSD 2020 human rights report noted, in regard to continued violence and discrimination against LGBTI persons, that, ‘The crimes often went unreported, and police generally took little action when they did receive reports.’¹¹⁴

4.5.12 In an October 2021 Dawn article, it was reported that:

‘Addressing a news conference at Peshawar Press Club on Tuesday, Transgender Alliance president Farzana Jan said that the growing incidents of violence against transgender community forced many of its members to leave Khyber Pakhtunkhwa.

‘On the occasion, Mahi Gul and Ghazala, members of the transgender community, alleged that influential people were involved in violence against them but police were reluctant to take action against the accused persons...

“We are not safe in Peshawar, not even in the presence of police,” they complained. They said that they were also citizens of the country and had right to live with peace. They added they had provided all kinds of proofs to the police after every incident but no action was taken for their safety.’¹¹⁵

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4.6 State complaint mechanisms

4.6.1 Complaint mechanisms appeared to be limited to trans persons, as referred to in the TPPR Act.

4.6.2 In its analysis of the TPPR Act, the ICJ report of March 2020 noted:

‘The law does not create any new enforcement mechanisms. Section 18 provides that, in addition to remedies available under the Constitution of Pakistan, 1973; the Pakistan Penal Code, 1860; the Code of Criminal Procedure, 1898; and the Code of Civil Procedure, 1908, “the aggrieved transgender person shall have a right to move a complaint to the Federal

¹¹⁰ CGRS-Cedoca, ‘[Pakistan - Situatie van seksuele minderheden](#)’ (page 9), 27 April 2020

¹¹¹ HRCP, ‘[State of Human Rights in 2020](#)’ (pages 34 to 35), 2021

¹¹² USSD, ‘[2018 Country Reports on Human Rights Practices: Pakistan](#)’ (section 6), 13 March 2019

¹¹³ USSD, ‘[2019 Country Reports on Human Rights Practices: Pakistan](#)’ (section 6), 11 March 2020

¹¹⁴ USSD, ‘[2020 Country Reports on Human Rights Practices: Pakistan](#)’ (section 6), 30 March 2021

¹¹⁵ Dawn, ‘[Govt asked to take steps for protection of transgender community](#)’, 13 October 2021

Ombudsman, National Commission for Status of Women (NCSW) and National Commission of Human Rights (NCHR) if any of the rights guaranteed herein are denied to him or her.”

‘However, there have been no corresponding amendments in the legislation of the NCSW or the NCHR to expressly include transgender people in their mandate or to give them any additional powers and resources to enforce the rights provided in the Transgender Persons (Protection of Rights) Act.

‘Further, while the Act allows transgender people to approach the NCHR and the NCSW to seek redress, they do not place any obligations on these commissions to include in their mandate the rights of transgender people for the purposes of research, training etc.

‘Finally, among other things, the mandate of Federal Ombudsperson is to seek to “resolve complaints and provide relief to the public by carrying out independent investigations into complaints about ‘maladministration’ in any Federal Government agency”. In February 2018, the Ombudsperson appointed a commissioner for transgender rights. However, like the Ombudsperson, the Commissioner’s mandate is limited to Federal Government agencies and does not extend to provincial agencies...’¹¹⁶

- 4.6.3 The NCHR told Cedoca in an email dated April 2020 that it had ‘... received 35 complaints till date from transgender persons regarding violation of their rights relating to life, liberty, protection, freedom from torture and discrimination.’¹¹⁷

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Section 5 updated: 25 March 2022

5. Societal attitudes and treatment

5.1 Overview of religious and societal views

- 5.1.1 The EASO report on Pakistan, dated August 2015, using a variety of sources, stated:

‘There are few Pakistani men and women who self-identify as LGBT; those who do, usually belong to the middle or higher classes, live in the big cities and live a double or secret life. Lesbians are even less visible than gay men.

‘Most Pakistanis do not know the meaning of the word “gay” and think it refers to transgender persons. The latter belong to the community of “hijras”, a heterogeneous community of transvestite, hermaphrodite, transsexual, homosexual persons and eunuchs (“khawaja sarra”). Due to rejection by 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.’¹¹⁸

¹¹⁶ ICJ, ‘[Pakistan: Transgender Persons \(Protection of Rights\) Act, 2018](#)’ (pages 24, 25), March 2020

¹¹⁷ CGRS-Cedoca, ‘[Pakistan - Situatie van seksuele minderheden](#)’ (page 19), 27 April 2020

¹¹⁸ EASO, ‘[Pakistan Country Overview](#)’, (Section 3.5.1), August 2015

5.1.2 Qasim Iqbal of NAZ, told Cedoca in an email dated 15 April 2020 that, despite the progressive Transgender Protection Act, the LGBTQ community 'still have a long way to go for societal and legal acceptance.' He noted:

'Pakistan has been heavily influenced by 190 years of colonization that outlawed all forms of LGBTQ identities and subsequently was influenced by mainstream Islamic intolerance towards LGBTQ, marginalizing the community... The queer community is stigmatized and is considered a foreign concept that is not in accordance with traditional Pakistani Muslim values. Any expression of queerness is swiftly repressed and considered shameful. To add on, the media has only reinforced these social norms for the most part and pushes negative stereotypes regarding LGBTQ community.'¹¹⁹

5.1.3 Iqbal also stated:

'Pakistan has a homo-friendly culture, meaning it is common for two men to walk on the streets holding each other's hands. It is also common to hug and kiss on the cheek in public. This does not mean that they are gay... Walking hand in hand amongst two men is perceived normal in certain social economic classes – it does not necessarily raise questions on a person's sexuality as the [male] South Asian community can be openly physically affectionate.'¹²⁰

5.1.4 Iqbal further stated:

'The LGBTQ community do not outwardly identify with their sexual orientation in Pakistan. For instance, an outwardly gay man or a transgender woman are considered promiscuous and deviant – if any suspicion of their sexual or gender identity becomes apparent they are easily denied access to basic services such as work, housing, justice, and healthcare without consequences. Another example we can consider is a flamboyant gay man or a masculine queer woman – they will have a more difficult time finding a safe and secure job environment where they will not be subjected regular harassment by their colleagues. Similarly, queer people also have a harder time accessing stigma free healthcare, especially limiting access to mental health services. Any indication of a person being sexually active with the same sex can lead to serious consequences. This is especially hard for the transgender community because they are more visible and thus it is easier to target them and subject them to discrimination.'¹²¹

5.1.5 ILGA Asia noted in its 2021 report on Pakistan that:

'In Pakistan, LGBTIQ is generally categorised into four different communities. For instance, lesbian, gay, bisexual, transgender and intersex individuals are considered as the same community by the general population. They are not aware of terms like gender identity and expression or sexual orientation. Commonly, these terms are not used and understood in Pakistan except within civil society organizations. Intersex and transgender individuals are recognized by their clothing. If an intersex or transgender person is wearing female clothing, he/she/they would be

¹¹⁹ CGRS-Cedoca, '[Pakistan - Situatie van seksuele minderheden](#)' (page 13), 27 April 2020

¹²⁰ CGRS-Cedoca, '[Pakistan - Situatie van seksuele minderheden](#)' (page 17), 27 April 2020

¹²¹ CGRS-Cedoca, '[Pakistan - Situatie van seksuele minderheden](#)' (page 16), 27 April 2020

stereotypically recognized as a transgender woman by the general population regardless of their gender identity and expression. As such, clothing is the main feature for their recognition.¹²²

- 5.1.6 Qasim Iqbal of NAZ stated in April 2020, regarding religious tolerance, that, 'The religious establishment is heavily influenced by the mainstream muslim doctrine of Islam and has no tolerance towards queerness. The queer community is considered a negative Western influence that needs to be cured with religious practices and local treatments. Islam is more tolerant of the transgender community as compared to the other LGBQ community. There is either no acknowledgement or only condemnation.'¹²³

See also [Access to services](#).

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5.2 LGB persons

- 5.2.1 The IRB reported in January 2014 that, according to Inter-Press Service, Pakistan's 'conservative Muslim society' view same-sex sexual relationships as a sin. A survey conducted by the Washington-based Pew Research Centre, published in June 2013, showed that 87% of respondents in Pakistan were of the opinion that 'homosexuality should be rejected by society'. Several sources indicated that gay men and lesbians were rarely open about their sexual orientation¹²⁴. The World Values Survey (WVS), an international research program devoted to the scientific and academic study of social, political, economic, religious and cultural values of people in the world¹²⁵, surveyed 1,995 people in Pakistan in 2018, 77% of whom indicated that same-sex relationships were 'never justifiable.'¹²⁶
- 5.2.2 The IRB added that according to the BBC, 'homophobia has wide social and religious sanction' and, according to the International New York Times, discrimination and prejudice against sexual minorities 'run deep' in Pakistani society. Other media sources described the gay community in Pakistan as 'underground'. The Pakistan country advisor for the IGLHRC [now known as OutRight Action International] said that transgender people are the only 'visible' sexual minority in Pakistan, while there is 'a lot of invisibility' among gay men and lesbians, who keep their sexual orientation hidden. According to a WEWA [Women Employees Welfare Association] representative, no lesbians or gay men could be open about their sexuality and move 'freely' in Pakistani society¹²⁷.
- 5.2.3 A 2015 article in The Express Tribune noted, 'Pakistan is a conservative and patriarchal society where members of the LGBTQ community must live secret and self-confined lives to avoid discrimination, stigma and abuse. Under the weight of homophobia, heteronormativity and genderism, they are

¹²² ILGA Asia, '[Disapproval and rejection: The LGBTIQ struggle for freedom...](#)' (page 11), 2021

¹²³ CGRS-Cedoca, '[Pakistan - Situatie van seksuele minderheden](#)' (page 21), 27 April 2020

¹²⁴ IRB, '[Pakistan: Situation of sexual minorities in Islamabad, Karachi and...](#)', 13 January 2014

¹²⁵ WVS, '[Who we are](#)', no date

¹²⁶ WVS, '[World Values Survey Wave 7 \(2017-2020\) Pakistan v3.0](#)' (page 60, Q182), 2018

¹²⁷ IRB, '[Pakistan: Incidents of violence or mistreatment...](#)', 9 January 2015

forced to adopt a lifestyle according to society's assigned gender roles and expectations.¹²⁸

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

'Most gay men spend their life in guilt, carrying a burden of sins. In our society they only have two options: one is to come out of the closet and live a horrible life and being bullied; the other is to conceal their sexuality for the rest of their lives. People usually choose the second option. They get married and start living a dual life: one for the family and society, the other for their own satisfaction. This makes life very pathetic and a [sic] under continuous threat of being caught. Very few men come out and even when [] if that happens, they get very little support from family and society.'¹²⁹

- 5.2.5 In its January 2019 report, the IRB presented similar country information as in its 2014¹³⁰ and 2015¹³¹ reports on the situation for sexual and gender minorities in Pakistan, in that the gay community was 'underground.'¹³² The IRB 2019 report, quoting from a variety of sources, noted:

'According to sources, sexual minorities in Pakistan are "deter[re]d from acknowledging" or "reluctant to reveal" their sexual orientation or gender identity. According to a report by the European Asylum Support Office (EASO) of the EU on an October 2017 meeting on Pakistan, citing a Country of Origin (COI) researcher from the Office of the Belgian Commissioner General for Refugees and Stateless Persons (CGRS), the LGBT community in Pakistan operates "behind closed doors".'¹³³

- 5.2.6 The IRB report continued:

'AFP reports that homosexuality is [translation] "strictly ignored" and that "LGBT associations only openly advocate for transgender rights, which are culturally accepted in Pakistan. They treat homosexuality only in the framework of the fight against AIDS". In correspondence with the Research Directorate, the Director of the Neengar Society, [...] similarly stated that "[s]exual minorities, except for transgender people, cannot live... openly. There is a clear risk of discrimination, violence, social boycott and degradation in social class and rank. In some cases a serious threat [to] life is also involved".'¹³⁴

- 5.2.7 DFAT noted in February 2019 'Strong and widespread cultural, religious and social intolerance of homosexuality means it is not widely discussed or acknowledged in Pakistan.' According to the same report, '[L]ocal sources say less societal shame is associated with having a lesbian child than a

¹²⁸ Express Tribune, '[If You Are Gay And Muslim, "Change Your Sexual Orientation!"](#)', 19 March 2015

¹²⁹ Il Grande Colibri, '["Being gay in Pakistan, what a miserable and hard life!"](#)', 20 September 2018

¹³⁰ IRB, '[Pakistan: Situation of sexual minorities in Islamabad, Karachi and...](#)', 13 January 2014

¹³¹ IRB, '[Pakistan: Incidents of violence or mistreatment...](#)', 9 January 2015

¹³² IRB, '[Pakistan: Treatment of sexual and gender minorities...](#)', 17 January 2019

¹³³ IRB, '[Pakistan: Treatment of sexual and gender minorities...](#)', 17 January 2019

¹³⁴ IRB, '[Pakistan: Treatment of sexual and gender minorities...](#)', 17 January 2019

daughter having sex with a male out of wedlock, although stigma remains common.¹³⁵

- 5.2.8 ILGA Asia noted in its 2021 report on Pakistan that, ‘Homosexuality is considered an unlawful, unethical and sinful act in the eyes of Pakistani society. The religious community does not support LGB persons at all. The holy book of Muslims – the Quran – openly declares homosexuality as a sin. They are labelled as “qaum-e-loot”. There are many hadiths against homosexuality.’¹³⁶
- 5.2.9 An article in The Diplomat, an international current-affairs magazine for the Asia-Pacific region¹³⁷, dated April 2021, noted in regard to attitudes towards same-sex relationships, that, ‘Since Pakistan’s conception, regardless of new research or understanding, every household and institution has accepted a dichotomous interpretation of both sexuality and gender and has deduced that homosexuality is a sin that demeans national and religious interests.’¹³⁸

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5.3 Trans and intersex persons

- 5.3.1 In June 2016, a group of clerics affiliated with the little-known clerical body, Tanzeem Ittehad-i-Ummat, issued a religious decree (fatwa) declaring that marriage between trans persons was permissible in Islam, that is, a transman may marry a transwoman and vice versa. The fatwa did not apply to persons identifying as intersex^{139 140}. The BBC pointed out that the fatwa was not legally binding¹⁴¹.
- 5.3.2 The News International reported in March 2018 that ‘... children suffering from congenital intersex abnormality, with dominant XX hormones, are surgically converted into females enabling them to lead a normal life with ability for procreation of offspring.’¹⁴² StopIGM.org, an international human rights NGO of survivors and allies fighting Intersex Genital Mutilations (IGM) in children’s clinics, and for the right to physical integrity and self-determination for all children born with ‘atypical genitalia’, or Variations of Sex Anatomy, criticised the Birth Defects Foundation for describing intersex children in Pakistan as having ‘birth defects’ and for offering surgery to make them ‘normal’¹⁴³.
- 5.3.3 According to sources cited by the IRB 2019 report, ‘transgender persons are “marginalised” or “ostracized” by society. The BBC reports that “[t]ransgender men ... are barely visible in the public sphere as a result of the social and cultural expectations of those who are assigned female at

¹³⁵ DFAT, ‘[Country Information Report – Pakistan](#)’ (paragraphs 3.217 to 3.218), 20 February 2019

¹³⁶ ILGA Asia, ‘[Disapproval and rejection: The LGBTIQ struggle for freedom...](#)’ (page 6), 2021

¹³⁷ The Diplomat, ‘[About us](#)’, no date

¹³⁸ The Diplomat, ‘[The Flickering Edge of Hope: Pakistan’s LGBTQ+ Community...](#)’, 19 April 2021

¹³⁹ Dawn, ‘[Fatwa allows transgender marriage](#)’, 27 June 2016

¹⁴⁰ Express Tribune, ‘[Can transgender marry? “Yes,” says new Fatwa](#)’, 26 June 2016

¹⁴¹ BBC News, ‘[Pakistan’s transgender community cautiously welcomes marriage...](#)’, 28 June 2016

¹⁴² News International, ‘[100 infants with birth defects rehabilitated](#)’, 3 March 2018

¹⁴³ StopIGM.org, ‘[Pakistan > Intersex children considered “birth defects”](#)’, 21 July 2018

birth. Transgender women, meanwhile, are marginalised by society from an early age”.¹⁴⁴

5.3.4 The same IRB report added, ‘A Pakistani actor, who made an appearance as a crossdresser on a very popular talk show, is cited by AFP as stating the following: [translation] “[w]e live in a culture of hypocrisy. In Pakistan, you can do whatever you want behind closed doors. ... But if you want to let it be known, there will be no tolerance. You will be persecuted”.’¹⁴⁵

5.3.5 The USSD human rights report for 2018 noted ‘According to a wide range of LGBT NGOs and activists, society generally shunned transgender women, eunuchs, and intersex persons, collectively referred to as “hijras” – a word some transgender individuals view as pejorative, preferring the term “khawaja sira” – who often lived together in slum communities and survived by begging and dancing at carnivals and weddings. Some also were prostitutes.’¹⁴⁶ The USSD repeated these findings in its 2019¹⁴⁷ and 2020¹⁴⁸ human rights reports.

5.3.6 In regard to trans persons, ILGA Asia noted in its 2021 report on Pakistan, commissioned and conducted by ILGA Asia from November 2020 to January 2021 and based on online in-depth interviews with staff members from 18 community-based organizations and networks, officials from UN agencies and government departments¹⁴⁹, that the general population were only aware of intersex persons and ‘... they think that all transgender people are intersex because of their limited awareness. Compared to trans women, trans men are lesser in numbers and are not as visible. The general public has no idea of the existence of trans men. They merely know of intersex individuals. Trans men and trans women are under the umbrella of intersex, who are also known as “khawaja sira”.’¹⁵⁰

5.3.7 A September 2020 paper on gender dysphoria (a disparity between a person’s assigned and expressed gender and the distress associated with it), which cited various sources, noted that:

‘The term “transgender” has different connotations in Pakistani society. It usually refers to a group of individuals locally known as “hijras” or “khawaja siras” who do not conform to the traditional gender binaries and are widely thought to possess mystical powers. They are invited to sing and dance on occasions like the birth of a male child or a wedding and are supposed to bring good luck. Hijras live in close-knit communities or “addas” formed along the lines of a “guru-chela” relationship dating back to the master-disciple relationship in Sufism and speak a cryptic language called “Hijra Farsi.”

¹⁴⁴ IRB, [‘Pakistan: Treatment of sexual and gender minorities...’](#), 17 January 2019

¹⁴⁵ IRB, [‘Pakistan: Treatment of sexual and gender minorities...’](#), 17 January 2019

¹⁴⁶ USSD, [‘2018 Country Reports on Human Rights Practices: Pakistan’](#) (section 6), 13 March 2019

¹⁴⁷ USSD, [‘2019 Country Reports on Human Rights Practices: Pakistan’](#) (section 6), 11 March 2020

¹⁴⁸ USSD, [‘2020 Country Reports on Human Rights Practices: Pakistan’](#) (section 6), 30 March 2021

¹⁴⁹ ILGA Asia, [‘Disapproval and rejection: The LGBTIQ struggle for freedom...’](#) (pages 1 and 7), 2021

¹⁵⁰ ILGA Asia, [‘Disapproval and rejection: The LGBTIQ struggle for freedom...’](#) (page 14), 2021

'In present-day Pakistan, owing to increasing westernization, many young, non-binary, and transgender individuals are breaking away from this traditional system and adopting a global transgender identity.'¹⁵¹

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5.4 Men who have sex with men (MSM)

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

'The frameworks of male to male sex, often substantially divergent and exclusive, involve males who self-identify as zenanas ["a woman in a man's body"], males/men who take the penetrating role in male-to-male sex (known as giryas by zenanas) accessing zenanas, hijras, and at times, adolescent males. These males are usually perceived by giryas as feminised males/females which enables the giryas to maintain his sense of manliness. Other dynamics include males who access other males for discharge and/or desire to be penetrated, males who desire male to male sex and do not gender themselves and usually indulge in mutual sexual activity – "giving and taking", friends have sex with friends for mutual pleasure, and males in all male institutions.'¹⁵²

5.4.2 The European Asylum Support Office (EASO) report on Pakistan, dated August 2015, also noted that zenana have sexual relations with 'malishia', described as '... virile men because of their sexual practices. The term "malishia" refers more to a professional practice of massage and prostitution than to a sexual practice or identity.'¹⁵³

5.4.3 DFAT noted in February 2019 'While sex between males is common, homosexual identity is not. Strong and widespread cultural, religious and social intolerance of homosexuality means it is not widely discussed or acknowledged in Pakistan.'¹⁵⁴

5.4.4 In its 2014 report, the IRB cited a BBC News article from 2013 'The BBC described Karachi as a "bustling with same-sex activity" in terms of men having sex with men, however it also indicated that it is difficult for gay men to maintain same-sex relationships, because "sex between men will be overlooked as long as no-one feels that tradition or religion are being challenged".'¹⁵⁵

5.4.5 The IRB January 2019 report cited sources referring to MSM:

'AFP reports that, according to the president of NAZ, an LGBT organization in Pakistan, [translation] "90% of Pakistani men are MSM [...] simply because women are not easily accessible". Without providing further details, the CGRS [Office of the Belgian Commissioner General for Refugees and Stateless Persons] researcher cited in the [2017] EASO meeting report on Pakistan, indicated that "[s]ources stated that it is common for straight men

¹⁵¹ Irshad U and others, '[Between a Rock and a Hard Place - Gender...](#)', 2 September 2020

¹⁵² IRB, '[Pakistan: Situation of sexual minorities in Islamabad, Karachi and...](#)', 13 January 2014

¹⁵³ EASO, '[Pakistan Country Overview](#)', (Section 3.5.1), August 2015

¹⁵⁴ DFAT, '[Country Information Report – Pakistan](#)' (para 3.218), 20 February 2019

¹⁵⁵ IRB, '[Pakistan: Situation of sexual minorities in Islamabad, Karachi and...](#)', 13 January 2014

to indulge in Male to Male sex (MSM) and there is general acceptance within [Pakistani] society for this particular act”.¹⁵⁶

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5.5 Family views and treatment

- 5.5.1 Raza Haidar, a programme manager at Dostana Male Health Society told The Guardian (UK) in 2017 ‘Gay relationships outside marriage are easier to conceal than heterosexual ones, which are considered equally dishonourable. A man and a woman in the same room will immediately raise suspicions, “but families will think that two men are just friends,”...’¹⁵⁷
- 5.5.2 According to research conducted by the IRB and reported in 2019 ‘As with many other issues, the extent of familial and societal discrimination and violence faced by lesbian, gay, bisexual, transgender and intersex (LGBTI) people tends to be inversely proportional to their socio-economic status.’¹⁵⁸
- 5.5.3 The 2019 DFAT report noted ‘People identifying as LGBTI from wealthy and influential families in large urban centres face less discrimination and violence than poor people in rural areas. Nonetheless, even wealthy individuals face high levels of discrimination, and their families often force them into a heterosexual marriage to preserve the family’s reputation and social standing.’¹⁵⁹
- 5.5.4 The Neengar Society told the IRB in 2013 that, ‘Lesbians will be forced to get married and they face pressure from both their in-laws and parent's family.’¹⁶⁰
- 5.5.5 Citing Haseeb Rathore, a gay man living in Pakistan, Il Grande Colibri reported in September 2018, ‘Pakistani families discriminate against queer children by believing they have some mental disorder. They keep children away from their relatives, sometimes siblings disown them in public and sometimes queer children, especially transgenders, are thrown out from their parents house.’¹⁶¹ The IRB also noted that ‘According to sources, transgender people can be “disowned” by their families.’¹⁶² The January 2022 DFAT report also noted, ‘Transgender women are often rejected by their families and turn to sex work, or earn their income by begging or dancing at carnivals and weddings.’¹⁶³
- 5.5.6 The 2019 IRB report noted that, according to an AFP report of October 2018, ‘... although Pakistan has not convicted sexual minorities on the grounds of anti-homosexuality legislation, the situation is different within families, as [translation] “hundreds of homicides are committed each year in the country in the name of family “honour”.’¹⁶⁴ The same IRB report also stated, ‘Sources also report that “hate crimes” [or “honour killings”...] have been committed

¹⁵⁶ IRB, [‘Pakistan: Treatment of sexual and gender minorities...’](#), 17 January 2019

¹⁵⁷ The Guardian, [“‘Every app is a dating app’: technology blamed for rise...”](#), 1 December 2017

¹⁵⁸ IRB, [‘Pakistan: Treatment of sexual and gender minorities...’](#), 17 January 2019

¹⁵⁹ DFAT, [‘Country Information Report – Pakistan’](#) (para 3.219), 20 February 2019

¹⁶⁰ IRB, [‘Pakistan: Situation of sexual minorities in Islamabad, Karachi and...’](#), 13 January 2014

¹⁶¹ Il Grande Colibri, [“‘Being gay in Pakistan, what a miserable and hard life!’”](#), 20 September 2018

¹⁶² IRB, [‘Pakistan: Treatment of sexual and gender minorities...’](#), 17 January 2019

¹⁶³ DFAT, [‘Country Information Report – Pakistan’](#) (paragraph 3.104), 25 January 2022

¹⁶⁴ IRB, [‘Pakistan: Treatment of sexual and gender minorities...’](#), 17 January 2019

against transgender people. A transgender independent candidate for the Khyber Pakhtunkhwa provincial assembly told the BBC [in July 2018] that “hate crimes, or so-called honour killings, are the biggest threat to the local transgender community ... Our own family hires people to murder us”.¹⁶⁵

5.5.7 The 2019 IRB report cited FDI and Naz Pakistan as stating ‘[t]ransgender individuals are often responsible for financially supporting their biological families who often resort to abuse, violence and torture to maintain their control over them. Forced marriages, physical and emotional torture are the common forms of abuses against them, recorded by many studies done by various organizations.’¹⁶⁶

5.5.8 ILGA Asia noted in its 2021 report on Pakistan that:

‘The human rights situation of LGB individuals in terms of social and cultural aspects is not satisfactory. The term “LGBTIQ” itself is considered a “western agenda”. Families in general do not accept LGB individuals if they come out. Lesbian and gay individuals are forced to marry the opposite gender due to the pressures imposed by their families... On the other hand, there is a smaller community from mainstream society that accepts LGB. Most of them are from privileged classes but they still cannot discuss the rights of LGB people openly out of respect for their families.’¹⁶⁷

5.5.9 Deutsche Welle (DW) reported in May 2021 that, ‘... those identifying as LGBT+ rarely come out to their families. When family members do come out or are found out to be queer, they face threats of violence and disownment. This is why some LGBT+ Pakistanis often move out of their family homes to pursue more freedom to explore their identity and sexuality.’¹⁶⁸ One gay man told DW, “Families don't even acknowledge or dream that their son could be gay. If you are always with a man, he is just considered a friend”.¹⁶⁹

5.5.10 Despite pockets of acceptance amongst urban, higher-class communities, DFAT noted that ‘... people coming out as gay or lesbian in Pakistan are likely to face ostracism from their families, forced heterosexual marriage, discrimination, bullying and violence... even wealthy individuals face discrimination, and their families may force them into a heterosexual marriage to preserve the family’s reputation.’¹⁷⁰

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5.6 Representation in the media

5.6.1 Pakistan has a diverse and vibrant media landscape with state and private television and radio stations and several independent newspapers and magazines¹⁷¹.

5.6.2 ILGA noted in its 2019 report that ‘According to Kaleidoscope Trust, in April 2014, a serial killer confessed to killing three gay men because of their

¹⁶⁵ IRB, ‘[Pakistan: Treatment of sexual and gender minorities...](#)’, 17 January 2019

¹⁶⁶ IRB, ‘[Pakistan: Treatment of sexual and gender minorities...](#)’, 17 January 2019

¹⁶⁷ ILGA Asia, ‘[Disapproval and rejection: The LGBTIQ struggle for freedom...](#)’ (page 13), 2021

¹⁶⁸ DW, ‘[Pakistan: How has COVID impacted the LGBT+ community?](#)’, 14 May 2021

¹⁶⁹ DW, ‘[Pakistan: How has COVID impacted the LGBT+ community?](#)’, 14 May 2021

¹⁷⁰ DFAT, ‘[Country Information Report – Pakistan](#)’ (paragraph 3.102), 25 January 2022

¹⁷¹ Media Landscapes, ‘[Pakistan](#)’, no date

sexual orientation, yet Pakistani media depicted the serial killer as “the epitome of righteousness”.¹⁷²

5.6.3 In March 2018, The Express Tribune noted that Marvia Malik, a 21-year-old from Lahore, became the first trans news anchor in Pakistan at Kohenoor TV¹⁷³. In July 2018 Free Press Unlimited reported on Sobia Khan, who became Pakistan’s first trans radio host at Tribal News Network based in Peshawar¹⁷⁴.

5.6.4 Qasim Iqbal of NAZ indicated that, whilst trans issues were reported on, there was little, if any, coverage on other sexual minorities¹⁷⁵.

5.6.5 Qasim Iqbal of NAZ told Cedoca in April 2020:

‘Pakistani media is heavily influenced by Pakistani society and reinforces the societal heteronormative norms that are ever present, especially the Urdu news outlets which are hostile towards queerness in any form. However, there are few local English medium outlets which are more progressive and report on Queer stories and narratives in a more sensitive way. Recently, mainstream media and cable news have been more sensitive to transgender community, with many positive stories about them and reporting on the violations that occur against them. The media has played a significant role in changing attitudes of society at large towards the transgender community. Many transgender activists and community leaders are often invited as guests on television broadcasted morning shows and evening news shows to discuss the plight of the transgender community and debate on issues from the transgender perspective. Additionally, the transgender community is gaining momentum in the Pakistani fashion industry with openly transgender models like Kami Sid walking major runways and modelling for major fashion brands. News channels have now started hiring openly transgender news casters like Marvia Malik for their regular programming. That being said, there is still little to no progress for the other members of the queer community.’¹⁷⁶

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5.7 Online and social media presence

5.7.1 The 2019 ILGA report noted ‘In September 2013, the first website blocked by the Pakistan Telecommunications Authority was queerpk.com, a site set up to help members of Pakistan’s gay and transgender community socialise and share experiences. According to a spokesperson, it was shut down because “its content was against Islam and norms of Pakistani society”. The moderator of the site was unwilling to challenge the ban out of fear.’¹⁷⁷

5.7.2 Qasim Iqbal told Cedoca in April 2020:

‘There is a strong LGBTQ presence on social media in Pakistan as it is a more anonymous medium and ensures a certain degree of safety as

¹⁷² ILGA, ‘[State-sponsored Homophobia 2019](#)’, (page 462), March 2019

¹⁷³ Express Tribune, ‘[In conversation with Marvia Malik, Pakistan's first trans...](#)’, 27 March 2018

¹⁷⁴ Free Press Unlimited, ‘[Breaking barriers: The first transgender radio host...](#)’, 25 July 2018

¹⁷⁵ CGRS-Cedoca, ‘[Pakistan - Situatie van seksuele minderheden](#)’ (pages 13 to 14), 27 April 2020

¹⁷⁶ CGRS-Cedoca, ‘[Pakistan - Situatie van seksuele minderheden](#)’ (pages 13 to 14), 27 April 2020

¹⁷⁷ IRB, ‘[Pakistan: Treatment of sexual and gender minorities...](#)’, 17 January 2019

opposed to interacting personally with each other. Dating apps such as Grindr and Tinder are very often used by gay men and trans women. Queer women have a harder time using dating apps because of sexist societal norms, and lack of mobilization. There are many queer platforms on various social media sites - NAZ itself has a secret group on Facebook with about 1.000 members. Similarly, there is a large local queer presence on Instagram, Twitter and TikTok.¹⁷⁸

5.7.3 Similarly, the ILGA Asia 2021 report on Pakistan noted:

‘Across the board, the LGBTIQ community in Pakistan is connected with one another, even if the exposure differs from person to person. People are increasingly connected with each other virtually, especially through social media apps, before they would meet physically or at gatherings and parties. They are connected through Facebook pages and groups. These groups are usually secret and handled by group administrators. LGBTIQ community members and their allies are the members of these groups. They also have Whatsapp groups. These groups are secret and only LGBTIQ community members are added into these groups. This allows the LGBTIQ community to be connected and be able to provide support to each other when needed.’¹⁷⁹

5.7.4 According to the 2020 report by ILGA, Section 34 of the Prevention of Electronic Crimes Act (2016) may be used to penalise LGBTI content. Section 34 of Act grants the Pakistan Telecommunication Authority the power to remove or block access to content if it considers it necessary ‘in the interest of the glory of Islam, public order, decency, or morality.’¹⁸⁰

5.7.5 In September 2020 it was reported that Tinder and Grindr, as well as other dating apps, had been blocked by the Pakistan Telecommunications Authority for disseminating ‘immoral content’. According to analytical data cited in September 2020, the gay dating app, Grindr, had been downloaded 300,000 in Pakistan over the past 12 months^{181 182}. According to Deutsche Welle (DW) reporting in May 2021, lesser-known apps and VPNs (virtual private networks) were available so users could still arrange to meet¹⁸³.

5.7.6 Reporting on the impact of COVID on the LGBTI community, DW indicated that meetings and ‘hook-ups’ were ‘... largely facilitated by social media, online groups and dating applications.’¹⁸⁴

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5.8 Violence and discrimination

5.8.1 Il Grande Colibri reported in September 2020 that:

‘Even though the transgender population is considered as the most privileged amongst gender and sexual minorities, the rate of violence towards them and the number of murders is at an all-time high. Transgender

¹⁷⁸ CGRS-Cedoca, ‘[Pakistan - Situatie van seksuele minderheden](#)’ (page 14), 27 April 2020

¹⁷⁹ ILGA Asia, ‘[Disapproval and rejection: The LGBTIQ struggle for freedom...](#)’ (pages 17 to 18), 2021

¹⁸⁰ ILGA, ‘[State-sponsored Homophobia 2020](#)’ (page 157), December 2020

¹⁸¹ BBC News, ‘[Pakistan blocks Tinder and Grindr for “immoral content”](#)’, 2 September 2020

¹⁸² Reuters, ‘[Pakistan blocks five dating apps including Tinder and Grindr](#)’, 1 September 2020

¹⁸³ DW, ‘[Pakistan: How has COVID impacted the LGBT+ community?](#)’, 14 May 2021

¹⁸⁴ DW, ‘[Pakistan: How has COVID impacted the LGBT+ community?](#)’, 14 May 2021

men and women get harassed, and get physically and mentally abused by their own families, and are threatened to serious consequences for revealing their true gender identity. Those who join khawaja sira culture are more vulnerable because usually they end up being involved in begging, wedding dancing, and sex work.¹⁸⁵

5.8.2 The DFAT report dated January 2022 noted that, despite laws protecting trans persons, they were:

‘... often marginalised, discriminated against and abused. Transgender women are often rejected by their families and turn to sex work, or earn their income by begging or dancing at carnivals and weddings. Such work is highly visible and workers are vulnerable to physical and sexual violence. There are frequent media reports of transgender people being targeted through rape, honour killings and societal violence. Such incidents are especially common in Khyber Pakhtunkhwa, where 66 transgender people were killed between 2015 and 2019 without any arrests being made, according to Trans Action Alliance, an NGO. Notwithstanding the law, many transgender people reportedly still face barriers to accessing health, policing and other services.’¹⁸⁶

5.8.3 HRCP noted that in 2019 ‘There are fewer reports of attacks on the transgender community in Sindh, although some incidents may not be publicised.’¹⁸⁷ However, the report added ‘Shabana, 30, was found stabbed to death in a rented flat in April in the Tariq Road area.’¹⁸⁸

5.8.4 Human Rights Watch (HRW) noted in its World Report 2021, covering 2020 events, that:

‘According to local human rights groups, at least 65 transgender women have been killed in Khyber Pakhtunkhwa province since 2015. In April, Musa, a 15-year-old transgender boy was gang-raped and killed in Faisalabad district, Punjab. In July, unidentified gunman in Rawalpindi district, Punjab, killed Kangna, a transgender woman. An unidentified assailant fatally shot Gul Panra, a transgender woman activist in Peshawar, in September. The murder prompted widespread condemnation on social media.’¹⁸⁹

5.8.5 In December 2020, The European Parliament’s LGBTI Intergroup wrote to the Pakistan government expressing their ‘... deepest concerns over the increasing killings, attempted killings, kidnappings and physical attacks against transgender rights defenders in Pakistan.’¹⁹⁰

5.8.6 Referring to incidents in 2020, the letter noted, ‘We have been alerted of a series of attacks against transgender rights defenders in the country, notably the killing of Beenish – actively involved in delivering resources to those in need during the pandemic – in end of October in Islamabad, the brutal

¹⁸⁵ Il Grande Colibrì, ‘[Prospects for Trans People in Pakistan...](#)’, 9 September 2020

¹⁸⁶ DFAT, ‘[Country Information Report – Pakistan](#)’ (paragraph 3.104), 25 January 2022

¹⁸⁷ HRCP, ‘[State of Human Rights in 2019](#)’ (page 97), 2020

¹⁸⁸ HRCP, ‘[State of Human Rights in 2019](#)’ (page 97), 2020

¹⁸⁹ HRW, ‘[World Report 2021: Pakistan](#)’, 13 January 2021

¹⁹⁰ EP LGBTI Intergroup, ‘[Members write to the government of Pakistan...](#)’, 7 December 2020

physical attack and robbery of Nayyab Ali on 9 November in Islamabad and the kidnapping at gun point of Heera Malik in end of November.¹⁹¹

- 5.8.7 According to the letter, the attack on prominent trans rights activist, Nayyab Ali, followed a nomination for an award for her work on trans rights and was clearly ‘... in reprisal for her human rights work as the unidentified assailants threatened to kill Nayyab Ali if she continued to raise her voice for victims of violence in the transgender community.’¹⁹²
- 5.8.8 Reporting on events in 2020, the HRCP noted. ‘Based on press reports, HRCP recorded at least seven cases of rape and four cases of murder involving transgender victims in Punjab for the year.’¹⁹³ The same report noted that in Sindh province, ‘In December, the body of a transgender person was found at their house in Malir. Rescuers transported the body to Jinnah Postgraduate Medical Centre, where the person was identified as Amir alias Maria. The police said he lived alone and had been killed with a sharp-edged tool, although they could not ascertain why.’¹⁹⁴
- 5.8.9 Referring to events in 2020 in Khyber Pakhtunkhwa, the HRCP report noted: ‘In June, two transgender persons, Bilal and Tahir, were injured while resisting the abduction of a friend, Ahmad, in Chamkani. In September, Shakil alias Gul Panra, a transgender person, was killed and another, Chahat, sustained serious injuries from gunshots fired by unidentified men in Peshawar’s Tehkal neighbourhood. In the same month, Saad Khan, a transgender person, was gunned down in Swabi by his 13-year-old brother for dancing at parties.’¹⁹⁵
- 5.8.10 According to the HRCP 2019 and 2020 reports there were no reports (in mainstream media) of violence against trans persons in Balochistan during those years^{196 197}, though the 2020 report added ‘... such violence is rarely highlighted in Balochistan.’¹⁹⁸
- 5.8.11 The USSD report on human rights for 2020 stated that, ‘In July [2020] a video was shared online that depicted men in Rawalpindi assaulting a group of transgender women, who were held at gunpoint and raped after being forced to strip.’¹⁹⁹
- 5.8.12 Covering 2021 events, HRW noted ‘In July, activists claimed that the transgender community in Karachi was being targeted in an organized social media campaign to instigate violence against its members. On April 6, a 60-year-old transgender resident of Karachi’s Korangi neighborhood was shot and killed by unidentified assailants who broke into their home.’²⁰⁰

¹⁹¹ EP LGBTI Intergroup, ‘[Members write to the government of Pakistan...](#)’, 7 December 2020

¹⁹² EP LGBTI Intergroup, ‘[Members write to the government of Pakistan...](#)’, 7 December 2020

¹⁹³ HRCP, ‘[State of Human Rights in 2020](#)’ (page 35), 2021

¹⁹⁴ HRCP, ‘[State of Human Rights in 2020](#)’ (page 68), 2021

¹⁹⁵ HRCP, ‘[State of Human Rights in 2020](#)’ (page 94), 2021

¹⁹⁶ HRCP, ‘[State of Human Rights in 2019](#)’ (page 187), 2020

¹⁹⁷ HRCP, ‘[State of Human Rights in 2020](#)’ (page 119), 2021

¹⁹⁸ HRCP, ‘[State of Human Rights in 2020](#)’ (page 119), 2021

¹⁹⁹ USSD, ‘[2020 Country Reports on Human Rights Practices: Pakistan](#)’ (section 6), 30 March 2021

²⁰⁰ HRW, ‘[World Report 2022: Pakistan](#)’, 13 January 2022

- 5.8.13 The Office for the High Commissioner on Human Rights (OHCHR) reported in October 2021 on Saro Imran, a trans youth advocate and social entrepreneur for the rights and empowerment of trans people in Multan, Pakistan, who said ‘Even with the progressive Protection of Rights Act, transgender people, especially youth, continue to face many challenges in the civic space such as harassment, security, and lack of access to social and economic opportunities...’²⁰¹
- 5.8.14 The Express Tribune reported in December 2021 on the alleged rape and torture of a trans woman the day before Karachi’s Climate March, which she helped organise. According to the report, ‘... unidentified persons kept her in detention for three hours and tortured her to extract information regarding the march’s speeches. The assailants also allegedly threatened her to stop trans rights activism and related political activities, otherwise, the trans community would be subjected to greater violence in the future.’²⁰² Speaking to the Express Tribune, the Gender Interactive Alliance (GIA) said they believed the assailants were connected to the Sindh police ‘... given the history of police involvement in violence against transgender people.’²⁰³

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Section 6 updated: 25 March 2022

6. LGBTI groups and activity

6.1 Presence

- 6.1.1 The 2017 national census recorded 10,418 trans people (in a total population of over 200 million). The census, cited by the news site Dawn, recorded 6,709 trans persons in Punjab, 2527 in Sindh, 913 in Khyber Pakhtunkhwa, 133 in Islamabad, 109 in Balochistan and 27 in the former Federally Administered Tribal Areas²⁰⁴. Campaigners said that this overall figure was a huge underestimate, with one group stating there were 400,000 to 500,000 trans persons in Punjab province alone, whilst another estimated 300,000 across Pakistan^{205 206}. DW noted that, ‘According to a 2019 Supreme Court census, the estimated population of transgender people in Pakistan is around 300,000, although the actual number could be higher.’²⁰⁷
- 6.1.2 As sexual orientation outside of heterosexual norms were not recognised, there were no official statistics for the number of LGB persons.
- 6.1.3 The USSD human rights report for 2020 noted ‘Lesbian, gay, bisexual, male transgender, and intersex persons rarely revealed their sexual orientation or gender identity in the public sphere. There were communities of openly transgender women, but they were marginalized and were frequently the

²⁰¹ OHCHR, ‘[Empowering transgender youth in Pakistan](#)’, 8 October 2021

²⁰² Express Tribune, ‘[Trans organiser of Karachi’s Climate March allegedly...](#)’, 14 December 2021

²⁰³ Express Tribune, ‘[Trans organiser of Karachi’s Climate March allegedly...](#)’, 14 December 2021

²⁰⁴ Dawn, ‘[Census shows over 10,000 transgender population in Pakistan](#)’, 26 August 2017

²⁰⁵ Dawn, ‘[Census shows over 10,000 transgender population in Pakistan](#)’, 26 August 2017

²⁰⁶ Reuters, ‘[Don’t we count? Transgender Pakistanis feel sidelined by census](#)’, 7 October 2017

²⁰⁷ DW, ‘[Coronavirus makes life more difficult for Pakistan’s transgender...](#)’, 4 September 2020

targets of violence and harassment.²⁰⁸ The USSD made the same findings in its 2018²⁰⁹ and 2019²¹⁰ reports.

See also [Societal attitudes and treatment](#).

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6.2 Meeting places and events

6.2.1 In December 2013, the President of the Neengar Society told the IRB that social media groups and organised meetings in larger cities such as Lahore, Karachi and Islamabad, existed for LGBT persons; however, this culture exists only among the more socially and intellectually elite classes of Pakistan, and there are no openly gay communities in these cities²¹¹.

6.2.2 When interviewed about gay relationships in Pakistan, Haseeb Rathore, a gay man living in Pakistan, stated in September 2018 ‘Gay relationships are definitely realistic in Pakistan. Sometimes they are carried out from “inside” the closet, sometimes they are publicly open depending on how privileged you are and on how much pressure you can absorb from society and family.’²¹² In contrast to this view, an April 2021 article in The Diplomat stated with regard to the possibility of same-sex relationships that, ‘While sex in Pakistan may be available regardless of the law, relationships are far from being possible.’²¹³

See also [Societal attitudes and treatment](#).

6.2.3 In an e-mail to Cedoca, dated 15 April 2020, Qasim Iqbal stated:

‘The underground gay scene is mostly accessible to the upper, upper middle and middle classes. These are private parties that take place mostly in Karachi, Lahore and Islamabad. Invitations go out via SMS and Facebook and the venue is usually announced at the last minute. The organisers usually pay off the police so the police is actually there to protect the party boys. The gay scene is only underground because publicly being visible is a luxury only the elite queers enjoy. The majority of the local queer community operates underground, meeting for dates, hookups, hangouts and even large parties...’²¹⁴

6.2.4 The DFAT report indicated similar and stated in its January 2022 report that cities such as Karachi have an active LGBTI underground scene, adding that, ‘There are reportedly pockets of acceptance among urban, upper-class communities...’²¹⁵

6.2.5 The same source noted:

‘Public demonstration of queerness in Pakistan often makes local communities more vulnerable to violence, so it is often the more privileged class who get to be more visible and escape consequences. For example,

²⁰⁸ USSD, ‘[2020 Country Reports on Human Rights Practices: Pakistan](#)’ (section 6), 30 March 2021

²⁰⁹ USSD, ‘[2018 Country Reports on Human Rights Practices: Pakistan](#)’ (section 6), 13 March 2019

²¹⁰ USSD, ‘[2019 Country Reports on Human Rights Practices: Pakistan](#)’ (section 6), 11 March 2020

²¹¹ IRB, ‘[Pakistan: Situation of sexual minorities in Islamabad, Karachi and...](#)’, 13 January 2014

²¹² Il Grande Colibri, ‘[“Being gay in Pakistan, what a miserable and hard life!”](#)’, 20 September 2018

²¹³ The Diplomat, ‘[The Flickering Edge of Hope: Pakistan’s LGBTQ+ Community...](#)’, 19 April 2021

²¹⁴ CGRS-Cedoca, ‘[Pakistan - Situatie van seksuele minderheden](#)’ (page 17), 27 April 2020

²¹⁵ DFAT, ‘[Country Information Report – Pakistan](#)’ (paragraph 3.102), 25 January 2022

the US embassy celebrated Pride in 2012 in Islamabad, and even publicly posted about the event. This led to extreme backlash for local queer populations by the society at large. More recently, queer communities have become more organized and are becoming more visible with the help of their allies and have been taking part of movements actively such as the Aurat (Women's) March, The Queer Futures Conference in LUMS University and other more exclusive congregations. South Asian Poetry and literature has a history of Queerness such as Ismat Chughtai and Manto who have documented queer experiences in their writing. More writers have found outlets for their creativity online and use social media to report on these narratives. NAZ also mobilizes large groups of the queer community for various events like the Pride Party in July 2019, where about 200 people from the queer community attended an underground party for socialization and celebration.²¹⁶

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6.3 Civil society groups and NGOs

- 6.3.1 DFAT noted in its February 2019 report 'Given social stigma associated with homosexuality in Pakistan, advocacy efforts on behalf of the LGBTI community generally advance under the umbrella of the transgender community. Those that advocate for the LGBTI community are also vulnerable to attack.'²¹⁷
- 6.3.2 The IRB report stated in 2019 'The Director of the Neengar Society stated that the Pakistani "government does not support the work of LGBTQI advocacy organizations".²¹⁸
- 6.3.3 The IRB report added 'The July 2018 BBC article reports that "[m]any" transgender persons "seek safety with gurus – leaders of small, scattered transgender communities – who give them food and shelter in return for their service and contribution to the group". [...] The Director of the Neengar Society stated that currently, there are no organizations providing temporary emergency shelter for sexual minorities²¹⁹, although DFAT noted 'Informal shelters exist within the LGBTI community, at the homes of community members.'²²⁰
- 6.3.4 The USSD human rights report for 2020 noted that 'The domestic NGO registration agreement with the government requires NGOs not to use terms the government finds controversial – such as... lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons – in their annual reports or documents.'²²¹
- 6.3.5 Qasim Iqbal stated in April 2020 in his email to Cedoca:
'There are many organizations that operate all across Pakistan that cater towards the LGBTQ community or are at least inclusive of them in their project interventions. These organizations are mostly concentrated in larger

²¹⁶ CGRS-Cedoca, '[Pakistan - Situatie van seksuele minderheden](#)' (page 17), 27 April 2020

²¹⁷ DFAT, '[Country Information Report – Pakistan](#)' (para 3.226), 20 February 2019

²¹⁸ IRB, '[Pakistan: Treatment of sexual and gender minorities...](#)', 17 January 2019

²¹⁹ IRB, '[Pakistan: Treatment of sexual and gender minorities...](#)', 17 January 2019

²²⁰ DFAT, '[Country Information Report – Pakistan](#)' (para 3.223), 20 February 2019

²²¹ USSD, '[2020 Country Reports on Human Rights Practices: Pakistan](#)' (section 6), 30 March 2021

cities but some can also be found in smaller areas. Most of the organizations operating in Pakistan are part of a network called the Gulabi Triangle, of which NAZ is the secretariat. This network consists of all the local organizations that have been working for the LGBTQ community in Pakistan.²²²

6.3.6 The Office for the High Commissioner on Human Rights (OHCHR) reported in October 2021 on Saro Imran, a trans youth advocate and social entrepreneur for the rights and empowerment of trans people in Multan, Pakistan, who acknowledged that there were more grassroots level organisations for trans people since the Protection of Rights Act was passed²²³.

6.3.7 However, according to the ILGA Asia 2021 report on Pakistan:

‘The state is not very supportive of civil society organizations in Pakistan and they are highly surveilled to monitor their work and the people they are working with/for. The registration process with EAD [Economic Affairs Division] and the Punjab charity commission, renewal of registration, issues of opening bank accounts for the organizations, are just some of the issues that are creating hurdles for civil society organizations and limiting their scope of work. Registration with EAD is mandatory for the organizations to qualify for foreign funding opportunities. Due to these barriers, the unavailability of foreign funds is one of the major impediments. Unregistered organizations are not eligible to receive foreign funding.’²²⁴

6.3.8 The same source noted:

‘Several community-based organizations (CBOs) and movements focusing on lesbian, gay and bisexual (LGB) rights do not want to publicize their work because they fear stigmatization. They are working under the ambit of transgender rights movement. That being said, transgender and intersex persons do have legal protection and support from the state; the TGPA [Transgender Persons (Protection of Rights) Act 2018] protects their basic human rights. For the implementation of the TGPA, provincial policies are being developed with the consultation of community members.’²²⁵

6.3.9 The 2019 IRB report identified several organisations offering support and/or advocacy for LGBTI persons:

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

‘The Forum for Dignity Initiatives (FDI) is a

“research and advocacy forum working for sexual and gender minorities in Pakistan ... [Their] activism promotes empowerment and understanding through community[-]motivated initiatives to improve the human rights situation of these groups. FDI initiatives include conducting research, advocating for legal rights, raising awareness and building capacity. [They]

²²² CGRS-Cedoca, ‘[Pakistan - Situatie van seksuele minderheden](#)’ (page 18), 27 April 2020

²²³ OHCHR, ‘[Empowering transgender youth in Pakistan](#)’, 8 October 2021

²²⁴ ILGA Asia, ‘[Disapproval and rejection: The LGBTIQ struggle for freedom...](#)’ (page 11), 2021

²²⁵ ILGA Asia, ‘[Disapproval and rejection: The LGBTIQ struggle for freedom...](#)’ (pages 5 to 6), 2021

collaborate with multiple stakeholders including the government, civil society networks and like-minded groups. FDI lobbies and campaigns for voting opportunities. [They] discourage discrimination through the cis-heteronormative society by facilitating dialogues, debates, experience sharing and information dissemination”.

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

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

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

‘The Gender Interactive Alliance Pakistan (GIA)

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

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

‘The Khawaja Sira Society (KSS) was “founded by Naz Male Health Society under the Global Fund Grant Round 9 in 2010 [and] is Pakistan’s first and biggest transgender community organization with 300,000 members, volunteers and associates across the country”. Their “vision is to ensure that transgender individuals have the same rights [as] their cisgender counterparts”. KSS runs a “comprehensive voluntary counseling and HIV test (VCT) for hijra communities”; 13,000 transgender persons have been registered in KSS's VCT programmes.

‘TransAction, a network that was established by transgender and intersex activists in 2015 to focus on transgender and intersex issues, raises “awareness through education and training to the transgender and intersex community, their families and general society,” in “disadvantaged communities [in] Khyber Pakhtunkhwa and Federally Administrated Tribal Areas (FATA)”.’²²⁶

- 6.3.10 OutRight Action International, which advocates for the human rights for LGBTI persons indicated that LGBTI organisations were not able to register²²⁷.

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²²⁶ IRB, ‘[Pakistan: Treatment of sexual and gender minorities...](#)’, 17 January 2019

²²⁷ OutRight Action International, ‘[Pakistan](#)’, no date

7. Access to services

7.1 Access to healthcare

- 7.1.1 Citing Gay Star News, the ILGA 2019 report noted ‘In September 2018, the Lahore High Court ruled that public hospitals in Punjab province must provide separate facilities for transgender patients to safeguard their right to privacy and protect them from discrimination and prejudice.’²²⁸
- 7.1.2 The HRCP report noted that in November 2018 ‘[T]he Human Rights Minister and the Federal Minister for National Health Services, Regulations and Coordination, inaugurated a separate ward at PIMS Hospital in Islamabad, announcing free treatment and separate doctors for transgender patients.’²²⁹ However, according to the USSD human rights report for 2018, local authorities often denied trans persons admission to hospitals²³⁰. The USSD human rights reports for 2019²³¹ and 2020²³² made similar findings.
- 7.1.3 Pakistan’s health insurance scheme was extended to trans persons in late 2019/early 2020^{233 234}.
See also [Government position](#).
- 7.1.4 The HRCP reported that in December 2019, ‘... the Khyber Pakhtunkhwa (KP) Health Department ‘... reserved 74 separate beds for transgenders at 19 government hospitals in 15 districts of the province, with another 124 beds to be allotted in the rest of public sector hospitals. This is in accordance with the 2018 Transgender Protection Act.’²³⁵
- 7.1.5 A study of 382 people by the Good Thinkers Organization (GTO) Pakistan, a human rights NGO, on the effect of COVID-19 on the trans community in Punjab province, found, ‘Nearly 40% of the respondents informed that they visited hospitals and found nice behavior as well as treatment from the staff. They expressed their satisfaction and extended appreciation for staff at hospitals. Around 8% of the respondents expressed their grief on unfair behavior of staff at public health facilities.’²³⁶
- 7.1.6 Another 2020 study of 214 trans persons in Lahore concluded, ‘Transgender community face physical, mental, social and reproductive health issues. About 70% trans-genders receive poor quality of health care services. Non acceptance, feeling ashamed, non-availability of CNIC [national identity card] and non-affordability have been reported as major barriers in getting desired health care.’²³⁷

²²⁸ ILGA, ‘[State-sponsored Homophobia 2019](#)’, (page 462), March 2019

²²⁹ HRCP, ‘[State of Human Rights in 2018](#)’ (page 44), 15 April 2019

²³⁰ USSD, ‘[2018 Country Reports on Human Rights Practices: Pakistan](#)’ (section 6), 13 March 2019

²³¹ USSD, ‘[2019 Country Reports on Human Rights Practices: Pakistan](#)’ (section 6), 11 March 2020

²³² USSD, ‘[2020 Country Reports on Human Rights Practices: Pakistan](#)’ (section 6), 30 March 2021

²³³ Dawn, ‘[Health card facility for transgenders launched](#)’, 31 December 2019

²³⁴ Daily Times, ‘[Health cards for trans people](#)’, 1 January 2020

²³⁵ HRCP, ‘[State of Human Rights in 2019](#)’ (page 97), 2020

²³⁶ GTO Pakistan, ‘[Inclusion of Transgender Persons in Response...](#)’ (pages 10, 11), December 2020

²³⁷ Manzoor I and others, ‘[Health Problems & Barriers to Healthcare Services for the...](#)’, 2022

7.1.7 A September 2020 paper on gender dysphoria, which cited various sources, noted that:

‘In healthcare facilities, transgender individuals face harassment and are often turned away mainly because of the health professional’s ignorance and lack of experience in treating patients who do not conform to the strict gender binaries of the Pakistani society. Across Pakistan, there is no inclusion of transgender healthcare issues in the medical education curriculum. Additionally, doctors are hesitant to perform any gender-reassignment procedures, hormonal or surgical, for fear of religious and legal repercussions. At present, a court order is required to be able to perform a gender reassignment surgery in Pakistan.’²³⁸

7.1.8 Referring to access to HIV and AIDS services, ILGA Asia noted in its 2021 report on Pakistan that although the services were available free of charge, ‘... people are not accessing them for several reasons, including issues surrounding rejection, stigma and discrimination. Those who may be infected avoid treatment because of the proximity of their houses to medical facilities, transportation costs, ignorance, or the lack of education.’²³⁹

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7.2 Access to employment

7.2.1 According to the IRB report dated 2015:

‘Sources indicate that lesbians, bisexuals and gay men are not open about their sexual orientation at the workplace ... According to the IGLHRC country advisor, if they come out in the open about their sexual orientation, they would “face problems at work” and “would likely face harassment to conform and might lose their jobs” ... The WEWA representative similarly said that LGB people hide their identity at work because it would be “hard for them to continue” their job or they might lose their position if people at work found out ... According to the President of the Neengar Society, when their organization conducted a workshop on gender sensitivity, even though participants were open to having LGBT friends, 43 of 45 participants said they would not want to work with an LGBT person in their office because they wanted to present a “serious and professional environment” of their organization to the public ... He expressed the opinion that this showed that if someone revealed their sexual orientation or gender identity to their colleagues, it would cost the person his or her job ... The WEWA representative said that if LGB people revealed their identity at work, they might also face criminal charges.’²⁴⁰

7.2.2 In its report covering 2019 events, the HRCP noted, ‘In October, the Sindh government fixed a 0.5 percent quota of jobs in all provincial government departments for transgender citizens. Earlier, in April, it was reported that a five percent quota of office jobs would be available to transgender people in

²³⁸ Irshad U and others, [‘Between a Rock and a Hard Place - Gender...’](#), 2 September 2020

²³⁹ ILGA Asia, [‘Disapproval and rejection: The LGBTIQ struggle for freedom...’](#) (page 5), 2021

²⁴⁰ IRB, [‘Pakistan: Incidents of violence or mistreatment...’](#), 9 January 2015

the Sindh police force, and that they could also serve as regular duty police officers.²⁴¹

7.2.3 In November 2020, Reuters reported on Pakistan's first trans lawyer, Nisha Rao, who went from begging on the streets to earning a law degree and joining the Karachi Bar Association. She now works for an NGO fighting for transgender rights²⁴².

7.2.4 In January 2022, Gulf News reported that a transgender woman, Sarah Gill, had become Pakistan's first transgender doctor²⁴³.

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7.3 Accommodation

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

'Sources indicate that if a homosexual couple's sexual orientation is known, they will not be able to rent an apartment in Lahore, Islamabad or Karachi ... Sources indicate that people are even reluctant to rent places to a single man or a single woman in these cities ..., because they do not want their tenant to bring someone else into the home. The president of the Neengar Society noted that the police in Lahore have issued orders not to rent out apartments to tenants without a "proper check," because of the "conservative culture" and the "increase in terrorism" ... According to the IGLHRC Country Advisor for Pakistan, two men or women might be able to rent a place if they keep their sexual orientation hidden, as it would appear that their motives were for economic reasons, but if they came out about their sexual orientation, "they would definitely have problems and lose their place to stay" ... He noted that he did not know of any specific cases of housing discrimination, because gay men and lesbians keep their sexual orientation hidden. Similarly, the President of the Neengar Society said that since people are not open about their sexual orientation, it is unknown how many lesbian and gay people face housing issues in Lahore, Islamabad and Karachi ... He was aware of a case in Islamabad, in which a male who had undergone sex reassignment surgery was asked to leave the house he rented and find another place to live, as well as a case from Lahore in which a lesbian couple could not find a place to live because they "looked like boys" ...'²⁴⁴

7.3.2 The IRB also noted 'Sources indicate that transgender people in Lahore, Islamabad and Karachi have difficulty accessing housing in good neighbourhoods and usually live in slums ..., "shabby areas near truck workshops" ..., or "in the margins in these cities" ...'²⁴⁵ The USSD human

²⁴¹ HRCP, '[State of Human Rights in 2019](#)' (page 97), 2020

²⁴² Reuters, '[Pakistan's first transgender lawyer goes from begging to fighting...](#)', 27 November 2020

²⁴³ Gulf News, '[Meet Dr Sarah Gill, Pakistan's first transgender doctor](#)', 21 January 2022

²⁴⁴ IRB, '[Pakistan: Incidents of violence or mistreatment...](#)', 9 January 2015

²⁴⁵ IRB, '[Pakistan: Incidents of violence or mistreatment...](#)', 9 January 2015

rights reports for 2018, 2019 and 2020 all indicated that transgender women often lived together in slum communities^{246 247 248}.

- 7.3.3 The IRB report of 2019 noted that according to FDI and NAZ Pakistan, ‘...discrimination against transgender persons also includes housing, as “[r]enting a house is particularly challenging as landlords usually refuse to accept them as tenants. Those who do usually extort higher rent and refuse to sign a legal contract”.’²⁴⁹

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²⁴⁶ USSD, [‘2018 Country Reports on Human Rights Practices: Pakistan’](#) (section 6), 13 March 2019

²⁴⁷ USSD, [‘2019 Country Reports on Human Rights Practices: Pakistan’](#) (section 6), 11 March 2020

²⁴⁸ USSD, [‘2020 Country Reports on Human Rights Practices: Pakistan’](#) (section 6), 30 March 2021

²⁴⁹ IRB, [‘Pakistan: Treatment of sexual and gender minorities...’](#), 17 January 2019

Terms of Reference

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

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

- Legal context
 - constitution, criminal, penal and civil codes, Sharia law
 - general anti-discrimination provisions
 - same-sex couples, including civil union and marriage
 - gender reassignment/transition, and recognition of gender identity of trans persons
- State attitudes and treatment
 - government rhetoric
 - policies/programmes that assist or discriminate against LGBTI persons
 - application of laws – arrests and detentions, prosecutions, convictions, acquittals
 - restrictions/enforcement of law against LGBTI organisations
 - other state treatment, such as harassment, blackmail, bribery, corrective therapy
 - access to public services, including education, healthcare, employment, justice system
 - state protection – response and assistance provided, including arrests and prosecutions of persecutors, witness protection, assistance in relocation
 - geographic, socio-economic or other factors affecting variation in attitudes/treatment
- Societal attitudes and treatment
 - public opinion/views/surveys, including anti-LGBTI movements and public demonstrations
 - societal norms – prevailing cultural and family attitudes to male/female relationships, family and non-conforming behaviour
 - religious group attitudes, statements and actions
 - media representation, language and discourse
 - treatment by the public, including family members, including shunning and stigma, harassment and violence, including mob attacks and gender-specific forms such as corrective rape
 - accessing accommodation, education, employment and healthcare

- geographic, socio-economic or other factors affecting variation in attitudes/treatment
- LGBTI individuals, communities and groups
 - size and location of LGBTI population
 - presence, projection and location of openly LGBTI persons and communities into public life
 - numbers, aims and location of openly LGBTI communities
 - services, meeting places and events, such as bars, restaurants and Gay Pride
 - operation, activities and restrictions of LGBTI civil society and other supportive groups or associations, including websites

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Version control

Clearance

Below is information on when this note was cleared:

- version **4.0**
- valid from **6 April 2022**

Official – sensitive: Start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: End of section

Changes from last version of this note

More recent country information added. Assessment is largely unchanged.

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