



Kaleidoscope
Australia

Human Rights Foundation

Submission to the UN Universal Periodic Review regarding the protection of the rights of LGBTI persons in Pakistan

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1. Executive Summary

- 1.1 Kaleidoscope¹ has prepared this report for the United Nations Human Rights Council (**UNHRC**) in respect of Pakistan.
- 1.2 In recent years, Pakistan has taken some positive steps towards recognising and protecting the rights of LGBTI people, particularly with regards to transgender people. However, Pakistan's refusal in both domestic and international spheres to recognise sexual orientation, gender identity and intersex status as a grounds of discrimination limits the progress that can be made.

2. Terminology

- 2.1 **LGBTI**, in this report, is an abbreviation for lesbian women, bisexual women, transgender people and people with intersex variations.
- 2.2 **bisexual men** are men who are physically, romantically and/or emotionally attracted to both men and women.
- 2.3 **bisexual women** are women who are physically, romantically and/or emotionally attracted to both men and women.
- 2.4 **cisgender** denotes a person whose sense of gender identity corresponds with the physical sex assigned to them at birth.
- 2.5 **gay men** are men who are physically, romantically and/or emotionally attracted to men.
- 2.6 **gender identity** refers to an individual's own internal feelings and experiences of gender, which may or may not correspond to the sex that individual was assigned at birth.
- 2.7 **intersex** people have physical sex characteristics that do not fit typical notions of male or female bodies. Like everyone else, all intersex people have a gender identity, which may be male, female or another identity. Like everyone else, intersex people also have a sexual orientation, which may be straight, gay/lesbian, bisexual, asexual, etc. This reflects that intersex is not, in itself, a gender identity or sexual orientation, but rather a physical variation in sex characteristics.
- 2.8 **lesbian women** are women who experience emotional, romantic and physical attraction to other women.
- 2.9 **sexual orientation** refers to a person's emotional, physical and/or sexual attraction to persons of the opposite sex or gender, the same sex or gender, to both sexes and/or to more than one gender.
- 2.10 **transgender people** are people whose gender identity and/or expression is different from the physical sex they were assigned at birth. This is a gender identity, not a sexual orientation.
- 2.11 **transgender women** are people who were assigned male sex at birth but identify and live as women.

¹ Kaleidoscope Australia Human Rights Foundation (**Kaleidoscope**) is a non-governmental organisation that works with local activists to protect and promote the rights of lesbian, gay, bisexual, transgender and intersex (**LGBTI**) persons in the Asia-Pacific Region.

2.12 **transgender men** are people who were assigned female sex at birth but identify and live as men.

3. Positive steps taken by Pakistan

3.1 Pakistan has taken some positive steps towards the recognition and protection of the rights of LGBTI people. These steps primarily relate to the recognition of the rights of transgender people with little progress being made with respect to the rights of lesbian, gay and bisexual and intersex members of Pakistan's LGBTI community.

3.2 Transgender people known as *hijras* who identify as female have a long history in Pakistan and other south Asian countries. In 2009, the Supreme Court of Pakistan ruled that transgender people are a distinct gender and as such a 'third gender' category, other than male or female, was to be included on national identity cards.² This ruling further found that there was no legitimate basis for people in this 'third gender' category to be deprived of the right to inherit property.³ In 2012, the Supreme Court made another ruling confirming that *hijras* are equally entitled to all rights guaranteed to citizens under Pakistan's Constitution.⁴ This ruling allows *hijras* to participate in the country's 2013 election for the first time as both voters and candidates.⁵

3.3 Although these Supreme Court rulings are symbolically significant, in practice transgender people continue to face social stigma and difficulties in realising basic human rights.⁶ The impact of these rulings is further limited by the fact that the jurisdiction of the Supreme Court does not extend across all of Pakistan and varies significantly across different provinces.⁷

3.4 In addition to positive steps being made in the judicial sector, a historic progressive step was recently made by Islamic religious leaders in Pakistan. In June 2016, over fifty Muslim clerics from the Tanzeem Ittehad-i-Ummat Pakistan clerical group in Lahore declared a religious decree known as a fatwa that stated that transgender people have full marriage, inheritance and funeral rights under Islamic law.⁸ The fatwa grants the right to marry to transgender people with "visible signs of being male" or "visible signs of being female" but excludes transgender people carrying "visible signs of both genders". The fatwa further declares that any act intended to "humiliate, insult or tease" transgender people is 'haram'.⁹

² Supreme Court of Pakistan, 2009. *Mohammad Aslam Khaki v. SSP (Operations) Rawalpindi* Constitution, Petition No 43 of 2009.

³ Ibid.

⁴ Qamar Zaman, 'Ensuring Equality: Transgenders Equal Citizens of Pakistan, Rules SC', *Express Tribune*, 26 September 2012 <<http://tribune.com.pk/story/442516/ensuring-equality-transgenders-equal-citizens-of-pakistan-rules-sc/>>.

⁵ U.S. Department of State, 'Country Report on Human Rights Practices for 2015: Pakistan', 13 April 2016 (page 52) <<https://www.state.gov/documents/organization/253185.pdf>>.

⁶ IRB - Immigration and Refugee Board of Canada, 'Pakistan: Incidents of violence or mistreatment involving sexual minorities in Islamabad, Karachi and Lahore; loss of employment or inability to rent housing due to sexual orientation [PAK105027.E]', 9 January 2015 <http://www.ecoi.net/local_link/295401/416447_en.html>.

⁷ U.S. Department of State, 'Country Report on Human Rights Practices for 2015: Pakistan,' 13 April 2016 (page 16) <<https://www.state.gov/documents/organization/253185.pdf>>.

⁸ Mubasher Bukhari, 'Pakistani clerics declare transgender marriages legal under Islamic law', *Reuters World News*, 28 June 2016 <<http://www.reuters.com/article/us-pakistan-transgender-idUSKCN0ZD1IZ>>.

⁹ Mohammed Zubair Khan and Andrew Marszal, 'Pakistani clerics declare transgender marriages legal in Islam', *The Telegraph*, 27 June 2016 <<http://www.telegraph.co.uk/news/2016/06/27/pakistani-clerics-declare-transgender-marriages-legal-in-islam/>>.

- 3.5 The fatwa represents the first time that Muslim religious leaders have publically supported the rights of transgender people. While the fatwa is a historic positive step, it is not legally binding nor representative of the views of other Muslim religious leaders across Pakistan. Nonetheless, it has been reported that the religious declaration will be influential and there has been public calls for the government to codify the fatwa with binding legislation.¹⁰
- 3.6 Other positive steps undertaken by Pakistan include instances in 2008 and 2010 of the Lahore High Court granting individuals suffering from 'gender identity disorder' the right to undergo sex affirmation surgery.¹¹ More recently, the Lahore High Court dismissed a petition from a mother seeking legal direction in respect of her daughter's right to undergo sex affirmation surgery.¹² Since the case was dismissed on technical grounds it is yet to be seen whether Pakistani courts will continue to recognise the legal right to sex affirmation surgery and to recognise the affirmed gender of an individual who has undergone such surgery.

Recommendations

- 3.7 We urge the UNHRC to make **recommendations** that Pakistan:
- (a) codifies the fatwa recognising marriage, inheritance and funeral rights for transgender people into binding legislation; and
 - (b) introduces laws confirming the right to sex affirmation surgery and legal recognition of affirmed genders.

4. Obligations under international law to protect LGBTI persons from discrimination

Ratification of international treaties

- 4.1 Pakistan has ratified a number of international treaties that relate to the protection of LGBTI persons from discrimination including the *International Covenant on Economic, Social and Cultural Rights*¹³ (ICESCR) in 2008, the *International Covenant on Civil and Political Rights*¹⁴ (ICCPR) in 2010, the *Convention on the Elimination of All Forms of Discrimination against Women*¹⁵ in 1996 and the *Convention on the Rights of the Child*¹⁶ in 1990.¹⁷
- 4.2 Article 2(1) of the ICCPR obliges each signatory State to respect and uphold a principle of equal rights for all individuals without distinction of any kind. Similarly, Article 2(2) of the ICESCR obliges Pakistan to guarantee that the economic, social and cultural rights enunciated under the Covenant will be exercised "*without discrimination of any kind as to sex...birth or other status.*"
- 4.3 The UNHRC has confirmed that this guarantee of non-discrimination applies to discrimination on the basis of sexual orientation, gender identity and intersex status.¹⁸ Notwithstanding the

¹⁰ Ibid.

¹¹ Wajih Ahmed Sheikh, 'LHC dismisses plea for sex-change operation', *Dawn*, 19 January 2017 <www.dawn.com/news/1309368>.

¹² Ibid.

¹³ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3.

¹⁴ UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171.

¹⁵ UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13.

¹⁶ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3.

¹⁷ United Nations Office of the High Commissioner for Human Rights, *Ratification Status for Pakistan* <http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=131&Lang=EN>.

¹⁸ Committee on Economic, Social and Cultural Rights, "General Comment No. 20, Non-

UNHRC's express confirmation that sexual orientation, gender identity and intersex status form grounds of discrimination prohibited by the ICESCR, Pakistan remained silent on these grounds in its first ICESCR implementation report to the Committee on Economic, Social and Cultural Rights (**Committee**) in 2015,¹⁹ suggesting there has been little to no legislative efforts made by Pakistan in this regard.

- 4.4 Following a review of Pakistan's first implementation report, the Committee responded with a list of issues asking that Pakistan provide further information and explanations.²⁰ The explanations sought by the Committee included clarification as to "*whether the anti-discrimination provisions in the State party's legislation, including articles 25-27 of the Constitution, prohibit discrimination on any ground in all aspects of life*".

Obligations under national laws

- 4.5 The Constitution of Pakistan pronounces a principle of equality stating at article 25 that "*all citizens are equal before law and entitled to equal protection of law*".²¹ Despite this general pronouncement, the constitutionally enshrined safeguards against discrimination are more limited with only the grounds of race, religion, caste, sex, residence or place of birth receiving specific mention. As has already been flagged by the Committee, this disparity between Pakistan's principle of equal protection of the law and the limited constitutional safeguards against discrimination (including the failure to recognise sexual orientation, gender identity and intersex status) is a fundamental concern.

5. Discrimination against LGBTI persons

- 5.1 There are several constitutional and legislative provisions which are directly discriminatory towards LGBTI people in Pakistan. Such provisions contribute to the social stigma surrounding LGBTI people and are used to justify oppression and violence against these individuals.

Pakistan Penal Code

- 5.2 There are a number of laws which may be interpreted as criminalising the features of or relationships between LGBTI people. These include article 377 of the Pakistan Penal Code (1860) titled "*Unnatural offences*" which imposes a penalty of life imprisonment or payment of a fine and imprisonment for 2 to 10 years for "*Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal*".²²

Discrimination in Economic, Social and Cultural Rights (Art.2 para. 2)", adopted in the Committee's 42nd session, Geneva, 4-22 May 2009, UN Economic and Social Council, E/C.12/GC/20, 10 June 2009, at 10, 32.

¹⁹ Committee on Economic, Social and Cultural Rights, 'Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights: Pakistan E/C.12/PAK/1', 4 February 2016
<http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fPAK%2f1&Lang=en>.

²⁰ Committee on Economic, Social and Cultural Rights, 'List of issues in relation to the initial report of Pakistan: E/C.12/PAK/Q/1', 7 November 2016
<http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fPAK%2fQ%2f1&Lang=en>.

²¹ The Constitution of the Islamic Republic of Pakistan (1973)
<<http://www.pakistani.org/pakistan/constitution/part2.ch1.html#32>>.

²² Pakistan Penal Code (Act XLV of 1860)
<<http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>>.

- 5.3 This archaic law dates back to 1860 and has the effect that consensual same-sex sexual relations is a criminal offence, punishable by a minimum of two years imprisonment. Despite the reference to intercourse with women in article 377, it has been reported that this law applies only to male same-sex sexual relations and not to equivalent female same-sex sexual relations.²³
- 5.4 Other examples of provisions of Pakistani legislation that are used as a means to directly discriminate against LGBTI people include article 294 which prohibits "*any obscene act in any public place*". It is reported that this law is sometimes applied to transgender people or male sex workers.²⁴

Pakistan Constitution

- 5.5 Several provisions of Pakistan's Constitution reinforce conservative Muslim values which promote intolerance of LGBTI people. These include article 31 and article 227 of the Constitution which declare that all laws shall be in conformity with Islam and that steps shall be taken to enable the Muslims of Pakistan to order their lives in accordance with the fundamental principles and values of Islam.
- 5.6 Additionally, article 35 of the Constitution pledges to protect marriage and the family which on a conservative Islamic-interpretation, which invariably excludes same-sex unions as part of the concept of marriage or LGBTI individuals as part of the concept of a traditional family.

Negative treatment of LGBTI people in society

- 5.7 In Pakistan, LGBTI people face deep-rooted and widespread social stigma which causes such individuals to conceal aspects of their true identity out of fear of harassment, violence or arrest.²⁵
- 5.8 A number of sources suggest that despite the existence of article 377 of the Pakistan Penal Code (1860) and its harsh prescribed penalties, the law is rarely enforced in practice.²⁶ Nonetheless, the mere existence of this oppressive law is reported to be frequently used as a means to harass, intimidate and threaten LGBTI people.²⁷ Reports indicate that LGBTI people are commonly arrested or threatened with arrest for extortion purposes, with police demanding bribes in exchange for release.²⁸

²³ IRB - Immigration and Refugee Board of Canada, 'Pakistan: Situation of sexual minorities in Islamabad, Karachi and Lahore, including treatment by society and authorities; state protection (2010-2013) [PAK104712.E]', 13 January 2014, <http://www.ecoi.net/local_link/268527/383095_en.html>; International Lesbian Gay Bisexual Trans and Intersex Association, 'State Sponsored Homophobia A world survey of laws: Criminalisation, protection and recognition of same-sex love', May 2013 (page 75) http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2013.pdf.

²⁴ IRB - Immigration and Refugee Board of Canada, 'Pakistan: Situation of sexual minorities in Islamabad, Karachi and Lahore, including treatment by society and authorities; state protection (2010-2013) [PAK104712.E]', 13 January 2014 <http://www.ecoi.net/local_link/268527/383095_en.html>.

²⁵ U.S. Department of State, 'Country Report on Human Rights Practices for 2015: Pakistan', 13 April 2016 (page 52) < <https://www.state.gov/documents/organization/253185.pdf>>.

²⁶ IRB - Immigration and Refugee Board of Canada, 'Pakistan: Situation of sexual minorities in Islamabad, Karachi and Lahore, including treatment by society and authorities; state protection (2010-2013) [PAK104712.E]', 13 January 2014 <http://www.ecoi.net/local_link/268527/383095_en.html>.

²⁷ Ibid.

²⁸ Ibid.

- 5.9 It has been reported that threats of and actual violence towards LGBTI people often comes from the private sphere with LGBTI people seen as "*disobeying social and cultural expectations*" by their families.²⁹ Reports also indicate that physical violence often escalates to 'honour killings' whereby LGBTI people are murdered by their relatives and their deaths are often reported as suicide.³⁰
- 5.10 Notwithstanding the prevalence of violence in the private sphere, LGBTI people in Pakistan also face the threat of violence and harassment in public. It has been reported by the International Gay and Lesbian Human Rights Commission (**IGLHRC**) that there were three cases in 2014 in which men were picked up from "gay cruising areas" in Lahore and killed because of their sexual orientation.³¹ According to an IGLHRC country advisor, the families of the victims refused to accept such a motive for the crime and chose not to press charges.³²
- 5.11 A policy document released by the UK Government in April 2016, as a guide to decision makers on assessing claims for the grant of asylum, reports that gay rights activists and other individuals who openly campaign for the rights of LGBTI people are likely to be "*at a real risk of persecution or serious harm from non-state societal actors*".³³ In such circumstances, it is recommended that such individuals would qualify for asylum on the basis that they "*would not be able to seek or obtain effective protection from the authorities or internally relocate to escape any such threat*".³⁴

Recommendations

- 5.12 We urge the UNHRC to **recommend** that Pakistan decriminalises consensual same-sex sexual relations.

6. Lack of anti-discrimination laws protecting LGBTI persons

- 6.1 The constitutional and legislative framework of Pakistan fails to provide any reference to sexual orientation or gender identity and as such, LGBTI people are denied adequate protection against discrimination in the enjoyment of basic social, economic and cultural rights.³⁵

²⁹ International Gay and Lesbian Human Rights Commission, 'Violence: Through the Lens of Lesbians, Bisexual Women and Trans People in Asia', 2014 (page 151) <https://www.outrightinternational.org/sites/default/files/LBT_ForUpload0614.pdf>; Home Office of the United Kingdom, 'Country Information and Guidance Pakistan: Sexual orientation and gender identity', April 2016 (page 20)

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/566236/CIG_Pakistan_SOGI.pdf>.

³⁰ International Gay and Lesbian Human Rights Commission, 'Violence: Through the Lens of Lesbians, Bisexual Women and Trans People in Asia', 2014 (page 151)

<https://www.outrightinternational.org/sites/default/files/LBT_ForUpload0614.pdf>.

³¹ IRB - Immigration and Refugee Board of Canada, 'Pakistan: Incidents of violence or mistreatment involving sexual minorities in Islamabad, Karachi and Lahore; loss of employment or inability to rent housing due to sexual orientation [PAK105027.E]', 9 January 2015

<http://www.ecoi.net/local_link/295401/416447_en.html>.

³² Ibid.

³³ Home Office of the United Kingdom, 'Country Information and Guidance Pakistan: Sexual orientation and gender identity', April 2016 (page 7)

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/566236/CIG_Pakistan_SOGI.pdf>.

³⁴ Ibid.

³⁵ U.S. Department of State, 'Country Report on Human Rights Practices for 2015: Pakistan', 13 April 2016 (page 51)

<<https://www.state.gov/documents/organization/253185.pdf>>.

- 6.2 In the global sphere, Pakistan (and other countries belonging to the Organisation of Islamic Cooperation) opposed a UNHRC resolution in 2012 relating to sexual orientation and gender identity.³⁶ In open correspondence to the UNHRC, a Pakistani Ambassador to the UN stated that issues relating to LGBTI people had "*nothing to do with fundamental human rights*".³⁷ In 2014, Pakistan was one of 14 nations to oppose a UNHRC resolution to combat violence and discrimination based on sexual orientation and gender identity.³⁸
- 6.3 The continual refusal by Pakistan at both international and domestic levels to recognise the rights of LGBTI people and to grant appropriate measures to protect these individuals from discrimination is inconsistent with Pakistan's commitments under the ICESCR and the ICCPR.

Employment

- 6.4 Article 38(b) of the Pakistan Constitution provides that "*The State shall provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure.*"
- 6.5 Notwithstanding this constitutional pronouncement of equal rights to employment for all citizens, LGBTI people in Pakistan continue to face discrimination in this area. In particular, despite the 2012 Supreme Court decision granting equal rights to *hijras*, these individuals are frequently denied employment opportunities and are often forced to survive by engaging in begging or prostitution or by dancing at carnivals or weddings.³⁹ It has been reported that *hijras* are the only "visible" sexual minority in Pakistan and therefore these individuals openly face discrimination.
- 6.6 For other LGBT people who conceal their sexual orientation or gender identity due to severe social stigma, discrimination in employment is feared although may not be direct.⁴⁰ Sources indicate that LGBT people conceal their sexual orientation or gender identity in the workplace due to fear that openness would lead to difficulties at work, harassment by their colleagues, termination of their employment or even criminal prosecution.⁴¹

Housing

- 6.7 It has been reported that the *hijras* community in Pakistan openly faces discrimination when seeking access to housing which has resulted in large concentrations of *hijras* dwellings in slums on the fringes of cities.⁴² For other LGBTI people living in Pakistan, there is a general fear that if their sexual orientation or gender identity was revealed then they too would face

³⁶ UN Watch, 'Outrage at UN as 56 Islamic States Slam Gays for "Abnormal Sexual Behaviour," Warning UN to Ignore Anti-Gay Violence', 17 February 2012

<<http://secure.unwatch.org/site/apps/nlnet/content2.aspx?c=bdKKISNgEmG&b=1316871&ct=11631417>>.

³⁷ UN Watch, 'Letter from UN's Islamic group to UNHRC President Opposing Panel on Violence Against Gays', 17 February 2012 <<http://blog.unwatch.org/index.php/2012/02/17/letter-from-uns-islamic-group-to-unhrc-president-opposing-panel-on-violence-against-gays/>>.

³⁸ Human Rights Watch, 'UN: Landmark Resolution on Anti-Gay Bias Condemns Violence, Bias Based on Sexual Orientation, Gender Identity', 26 September 2014 <<https://www.hrw.org/news/2014/09/26/un-landmark-resolution-anti-gay-bias>>.

³⁹ U.S. Department of State, 'Country Report on Human Rights Practices for 2015: Pakistan', 13 April 2016 (page 51-52)

<<https://www.state.gov/documents/organization/253185.pdf>>.

⁴⁰ IRB - Immigration and Refugee Board of Canada, 'Pakistan: Incidents of violence or mistreatment involving sexual minorities in Islamabad, Karachi and Lahore; loss of employment or inability to rent housing due to sexual orientation [PAK105027.E]', 9 January 2015

<http://www.ecoi.net/local_link/295401/416447_en.html>.

⁴¹ Ibid.

⁴² Ibid.

open discrimination in accessing housing, including an inability to rent in the cities of Lahore, Islamabad or Karachi.⁴³

- 6.8 It has been reported that female members of the LGBTI community face the highest level of discrimination in Pakistan in terms of access to housing and employment.⁴⁴ Reports suggest that even a woman living on her own in conservative Pakistan would be viewed as 'suspicious' by landlords.⁴⁵

Healthcare

- 6.9 Like many other Asian countries, Pakistan is still in the midst of a HIV epidemic. Two high risk groups are Pakistan's population of *hijras* and male sex workers.⁴⁶ Recent figures reveal that HIV is prevalent amongst 5.2% of Pakistan's *hijras* population and 1.6% of male sex workers.⁴⁷ Men who have sex with men have also been identified as a high risk group, however, due to cultural sensitivities surrounding same-sex relations in Pakistan, accurate data is not available.⁴⁸
- 6.10 Social stigmatisation in Pakistan has been identified as a key factor which limits the ability of LGBTI people to access HIV prevention and treatment services.⁴⁹ The existence of punitive laws including article 377 which criminalises male same-sex sexual activities is a driver of stigmatisation and discrimination and further discourages people to engage with HIV treatment and prevention programs.⁵⁰

Marriage and adoption

- 6.11 In Pakistan, there is no legal recognition of same-sex civil unions or marriages and no rights to adoption by same-sex couples.⁵¹
- 6.12 There is growing support in the international community that various international human rights treaties, such as the ICCPR, be interpreted as expressly including a right to marry for same-sex couples.⁵² In line with this interpretation, Pakistan's prohibition on same-sex marriage is out of step with its obligations under international law.

Recommendations

- 6.13 We urge the UNHRC to **recommend** that Pakistan:
- (a) introduces laws prohibiting discrimination on the basis of sexual orientation, gender identity and intersex status in all areas of public life, including employment, access to housing and health care;

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ National AIDS Control Program: Ministry of National Health Services, Regulation and Coordination Government of Pakistan, 'Pakistan Global AIDS Response Progress Report', 31 March 2015 (page 6) <http://www.unaids.org/sites/default/files/country/documents/PAK_narrative_report_2015.pdf>.

⁴⁷ Ibid.

⁴⁸ Ibid (page 26).

⁴⁹ Ibid (page 46).

⁵⁰ Ibid (page 46).

⁵¹ International Lesbian, Gay, Bisexual, Trans and Intersex Association, 'State-Sponsored Homophobia A World Survey of Laws: criminalisation, protection and recognition of same-sex love', May 2015 (pages 41-45) <http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2015.pdf>.

⁵² Paula Gerber, Kristine Tay and Adiva Sifris, *Marriage: A Human Right*, Sydney Law Review (Vol. 36:643).

- (b) consults on and introduces legislation recognising the rights of same-sex couples, including the right to marry and parenting rights; and
- (c) improves the training of health professionals to increase their understanding of and sensitivity to the specific health needs of LGBTI people.

7. Conclusion and Recommendations

7.1 We strongly encourage the UNHRC to make **recommendations** that Pakistan:

- (a) decriminalises consensual same-sex sexual relations;
- (b) introduces laws prohibiting discrimination on the basis of sexual orientation, gender identity and intersex status in all areas of public life, including employment, access to housing and health care;
- (c) consults on and introduces legislation recognising the rights of same-sex couples, including the right to marry and parenting rights;
- (d) codifies the recent fatwa recognising marriage, inheritance and funeral rights for transgender people into binding legislation;
- (e) introduces laws confirming the right to sex affirmation surgery and legal recognition of affirmed genders; and
- (f) improves the training of health professionals to increase their understanding of and sensitivity to the specific health needs of LGBTI people.