

# Immigration and Refugee Board of Canada

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## Responses to Information Requests

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29 November 2007

#### PAK102660.E

Pakistan: Situation of homosexuals, including the application of laws towards homosexuals, the number of prosecutions of homosexuals and their outcomes; whether any regions have an open and active gay community  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Homosexual acts are illegal in Pakistan (US 6 Mar. 2007, Sec. 5; ILGA Nov. 2006, 3; UN 21 Sept. 2006; *New Internationalist* 1 Mar. 2006). Under Section 377 of the country's penal code, homosexuality is not explicitly mentioned, but "carnal intercourse against the order of nature" is punishable by a fine and/or imprisonment for a period of two years to life (UN 10 May 2005; Pakistan n.d.). Under the country's Sharia law, introduced in 1990 (SodomyLaws.org 31 Mar. 2006), homosexual acts are punishable by corporal punishment (whipping), imprisonment, or death (ibid.; UN 21 Sept. 2006; see also BBC 5 Oct. 2005; ILGA Nov. 2006; *New Internationalist* 1 Mar. 2006).

Likewise, gay marriage is illegal in Pakistan (BBC 5 Oct. 2005; IGLHRC 1 Aug. 2007). However, in October 2005, a "marriage" was said to have taken place between two men in the Khyber region (BBC 5 Oct. 2005; *The Guardian* 14 Mar. 2006). A tribal council reportedly told the couple to leave the area or face death for "breaking religious and tribal values" (ibid.; BBC 5 Oct. 2005). In May 2007, a married couple was imprisoned after the Lahore high court decided that the husband, who had undergone sex-change surgery, was still a woman (BBC 28 June 2007; ibid. 28 May 2007; IGLHRC 1 Aug. 2007). The couple had originally sought the court's protection against members of the bride's family who were harassing them (ibid.; see also BBC 28 June 2007); however, the court found the couple guilty of perjury, ruling that they had lied about the husband's gender and that their same-sex marriage was "un-Islamic" (BBC 28 May 2007; ibid. 28 June 2007). One month later, following an appeal to Pakistan's Supreme Court, the couple was released on bail (ibid.; IGLHRC 1 Aug. 2007). Information on the outcome of the appeal could not be found among the sources consulted by the Research Directorate.

Information on the number of prosecutions against homosexuals in Pakistan and their outcomes could not be found among the sources consulted by the Research Directorate. However, *Country Reports on Human Rights Practices for 2006* indicates that the government "rarely" prosecutes such cases (US 6 Mar. 2007, Sec. 5; see also *The Guardian* 14 Mar. 2006). Nevertheless, in May 2005, two gay men were publicly lashed in Pakistan's north western Khyber region after they were caught having sex (BBC 5 Oct. 2006).

Although homosexuality is thought to be "relatively" common in Pakistan (ibid.; *New Internationalist* 1 Mar. 2006), it is a "taboo" subject that is not publicly discussed (BBC 28 June 2007; UN 21 Sept. 2006; *The Guardian* 14 Mar. 2006). It is reportedly rare for homosexuals to be open about their sexuality (US 6 Mar. 2007, Sec. 5; BBC 2 June 2005). According to a 10 May 2005 article published by the United Nations (UN) Integrated Regional Information Networks (IRIN), homosexuals in Pakistan "live in constant fear of being 'outed' in [the country's] staunchly conservative society which is largely ignorant and intolerant of sexual minorities." Cited in the same article, a representative of a local non-governmental organization (NGO) stated that if an individual openly campaigned for gay rights in the country, he or she could end up being killed by religious followers (UN 10 May 2005).

Nevertheless, several sources consulted by the Research Directorate indicate that homosexuality may, in general, be "silently accepted" in Pakistan (UN 21 Sept. 2006; ibid. 10 May 2005; BBC 2 June 2005; *The Guardian* 14 Mar. 2006; *Pink News* 14 Mar. 2006). Assaults on homosexuals are said to be "rare" (*The Guardian* 14 Mar. 2006). In the country's North West Frontier Province (NWFP), it is apparently well known that ethnic Pashtun men take young boys as lovers which, according to IRIN, is "a practice now deeply embedded in the local culture" (UN 10 May 2005). In March 2006, a group of gay men wearing dresses participated in a festival in Lahore (*The Guardian* 14 Mar. 2006; *Pink News* 14 Mar. 2006).

The Internet is reportedly contributing to a sense of growing "solidarity" amongst homosexuals in Pakistan (UN 10 May 2005; see also *The Guardian* 14 Mar. 2006; BBC 2 June 2005). Online chat rooms are said to provide a "safe and anonymous forum for middle- and upper-class gay men" (*The Guardian* 14 Mar. 2006).

According to a 5 October 2005 British Broadcasting Corporation (BBC) article, "increasingly," same-sex couples are living together in Pakistan's larger cities, including Karachi and Islamabad. However, a 2006 *Guardian* article states that it is "rare" for homosexual couples to live together and that many gay men end up marrying women to "avoid scandalising their families" (14 Mar. 2006). Another article from IRIN notes that, while the atmosphere in larger cities such as Islamabad, Karachi and Lahore is "mildly" more tolerant, in rural areas, conservatism is "extreme" and homosexuals remain "closeted" (UN 10 May 2005).

Two sources indicate that cultural practices in Pakistan, which permit public displays of affection between members of the same gender, make it possible for gay men to socialize without attracting attention (BBC 2 June 2005; *The Guardian* 14 Mar. 2006).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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## Additional Sources Consulted

**Internet sites, including:** Amnesty International (AI), European Country of Origin Information Network (ecoi.net), GayGuide.net, *Gay Times* [London], GlobalGayz.com, Human Rights Commission of Pakistan (HRCP), Human Rights Watch (HRW), Office of the United Nations High Commissioner for Refugees (UNHCR), United Kingdom Home Office, United States Department of State.

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