

## Human Rights Council

March 16, 2018

### UPR Outcome - Pakistan

#### Statement by: International Lesbian and Gay Association

Thank you Mr. President,

This is the first time Pakistan has received recommendations on sexual orientation and gender identity and expression (SOGIE) issues.

Pakistan accepted two recommendations during this UPR cycle concerning transgender people rights. In this regard, the efforts of the Pakistan Government to present the Transgender Persons (Protection of Rights) Bill 2017 in the Parliament of Pakistan and its subsequent approval from the Upper House are highly commendable and we hope this will pave the way for the welfare of transgender citizens in future. We urge the government, however, to pass this Bill into law pending approval from the Lower House in its original form, granting legal recognition to all transgender citizens without medical screening and emphasizing affirmative action for empowerment of such communities, as passed by the Senate and in line with the Supreme Court rulings of 2009-11. In this regard, streamlining of policies (that must be gender-affirming), police reform and sensitization of the judicial system are crucial for implementation and enforcement of the Bill. Yet, no mechanisms have been devised by the Pakistan government as of writing of this statement.

In spirit of the equality enshrined in the Constitution of Pakistan and compassion and rule of justice upheld in edicts of Islam, we call on the government to revise articles 25-27 of the Constitution of Pakistan to outlaw discrimination on basis of SOGIE as recommended by the UN Human Rights Committee<sup>1</sup>. The Constitution of Pakistan upholds the dignity of human beings and the privacy of home as inviolable rights<sup>2</sup>, however an environment of fear persists. Pakistan is a signatory to several human rights treaties most of which are not ratified or remain unimplemented when it comes to SOGIE issues.

In this UPR cycle, five recommendations that directly concerned the repeal of punitive laws adversely affecting gender and sexual minorities have not been accepted by the Pakistan Government. Taking cue from other Muslim-majority countries such as Turkey, Jordan and Albania, among others, where consensual same-sex adult relations are not criminalized, Pakistan should remove Section 377 of the Pakistan Penal Code<sup>3</sup>, a vestige of the colonial era that remains a tool for abuse of power, harassment and extortion by law enforcement agencies.

Mr. President,

The organizations and human rights defenders working on the rights of gender and sexual minorities continue to face undue harassment from police and state officials. Necessary safeguards and reforms

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<sup>1</sup> Recommendation 14, Report of the Office of the United Nations High Commissioner for Human Rights, November 2017, p. 2.

<sup>2</sup> Article 14, Chapter 1, The Constitution of Islamic Republic of Pakistan, Chapter.

<sup>3</sup> Pakistan Penal Code (PPC), Act XLV of 1860.

are needed in laws concerning public assembly<sup>4</sup>, public nuisance<sup>5</sup> and obscenity<sup>6</sup>, as well as policies regarding registration of societies and non-governmental organizations, in order to protect the rights of public assembly and expression.

We urge the state to ensure equality, dignity and human rights of gender and sexual minorities and grant the same rights as available to every citizen of Pakistan so that an environment of fear and persecution may be shattered, and LGBT persons are able to live fulfilled, dignified and productive lives as citizens of Pakistan.

Thank you, Mr. President.

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<sup>4</sup> Sections 141-143, PPC.

<sup>5</sup> Sections 290-91, PPC.

<sup>6</sup> Sections 291, 294, PPC.