

Voices from the Field

LGBTQI Activism and Human Rights in Pakistan, its History and Progress

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Abstract

In the past two decades (2005-2019), much progress has been made in regards to the push for the advancement of transgender equality in Pakistan. There has been a considerable push towards formulation and implementation of legislation such as the 'Transgender Bill of Rights, 2019' that protects the rights of transgender persons. On the contrary to such positive developments, Pakistan has also been pushing forward with an anti-LGBTQ agenda on the National and International level. In this essay, we explore the present human rights situation, the portrayal of the transgender community in the media and also the progression of transgender activism in the country.

Keywords: Homosexuality, Transgender, LGBTQ, Queeristan, Pakistan, South Asian Queer Lives

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Introduction

Pakistan is a country full of contradictions when it comes to its recent push for gender equality, especially in regards to the LGBTQI community, being an overwhelming conservative Muslim nation home to around 204 million people. It has been on an uphill battle for the civil society, transgender activists and community leaders to push forward with legislation that called for protection and advancement of

rights for the transgender community in recent years.

Transgender activism has progressed in the positive direction since 2005, after mobilisation of grassroots transgender activists who organised into groups and began to publicly challenge the decades of marginalisation of the oppressed gender minority. In 2009, the Supreme Court of Pakistan passed a landmark ruling granting legal protection to the

transgender community [Supreme Court of Pakistan, 2009]. Similarly, on 8th May 2018, Pakistan was able to pass the 'Transgender Protection Bill 2018' [Salman, 2018] which is hailed as one of the most progressive legislation for the protection and advancement of transgender rights in the country.

The bill provides provisions on legal right to register and obtain a driver's license and passport, equal employment, educational and healthcare opportunities, voting rights, right to inheritance, protection from harassment and even access to government safe houses to protect vulnerable transgender persons from gender-based violence and discrimination. Despite the fact, the passage of the Bill at the National Assembly and the implementation of the Bill in the provincial level remains a pressing issue. Incidents of violence against the transgender community are rising across the country; in the Khyber Pakhtunkhwa region, there have been 479 reported cases of violence against trans women in 2018 alone [Matt, 2018].

Majority of the transgender activism has traditionally been spearheaded by the transgender woman, who is commonly known as 'Hijras' in many parts of South Asia and 'Khawaja Serai' in Pakistan. 'Khawaja Serai' are assigned male at birth but differ from their birth sex with a feminine gender identity continues to remain the most visibly tolerated and accepted gender minority in the country despite being the most marginalised and oppressed. The 'Khawaja Serai'

community in Pakistan is a centuries-old socio-cultural group with their secret language known as 'Hijra Farsi', customs and cultural traditions distant from the cis-gender and heterosexual majority. Most trans-women have heterosexual male partners and due to centuries of oppression are mostly employed as dancers, beggars or sex workers.

The complex cultural traditions of the 'Khawaja Serai' community are based on a hierarchal mentor-disciple (guru-chela) relationship in which the mentor (guru) who typically is an elder transgender takes a novice after ritual initiation. There are a set of rules that have to be obeyed in this relationship and if they are broken by the disciple (chela) there is a fine called 'Dhaand' (a punishment in monetary lending) in order to resolve any form of inter-community dispute and is settled in a 'Chethai' which is a form of self-governance system that is headed by senior transgender [Faris, 2014].

In the case of lesbian and bisexual women, economic negligence, emotional and psychological violence continue to subjugate them from being open and visible about their sexuality in an overtly patriarchal and conservative society. Often subjected to misogynistic treatment and neglect, abuse and acts of discrimination against lesbians and bisexual women are seldom reported or even heard from Pakistan.

Transman, on the other hand, are assigned female at birth but do not conform to their feminine gender identity and transition into



masculine gender identity. Despite being legally protected, transgender men continue to remain an exclusive gender minority, who just like bisexual women and lesbians are one of the most vulnerable, least visible and socially restricted LGBT group [IGLHRC, 2014].

Constitutionally an Islamic republic, Pakistan is a majority Muslim country with around 204 million people by the year 2019. Homosexual acts continue to remain illegal under Section 377 of the country's penal code; a legal provision subsequently inherited from British colonial rulers. Homosexuality remains a taboo subject in the country and is never discussed within the public discourse or even mentioned within the media, despite bisexuality and even homosexuality existing behind the closet.

Overwhelming gay and lesbian population in Pakistan live a life of complete isolation and have no public visibility at all. Gay relationships are hard to establish [Mobeen, 2011], but it is relatively easy for gay men to find sex on dating apps. It has been possible with the availability of gay dating apps such as Grindr, Scruff and even Tinder [Jesse Steinbach, 2016]

but with such apps pose a threat to the life of gay men who are often exposed to violent and extortionist gangs. Gay profiles on Grindr, for example, have been made public in the past threatening the safety of gay men by outing them on social media [Hadi, 2015].

Most of the country's gay parties are organised in secrecy. Culture of gay cruising has mostly died out except in cities but segments of working/low-income middle class still frequent in parks and railways tracks to cruise around for dates or even clients. Whereas, gay men from upper middle class /affluent segments use gay dating apps for dates [Kaitlin, 2015]. Gay dating apps, despite their open access, continue to unsafe spaces that have increased the threat of violence against gay men in the country [Waqar and Declan, 2014].

When it comes to LGBT activism, the government of Pakistan actively clamps down and even censors activists because LGBTQI+ activism is deemed as something that is not an ordinance to the socio-cultural and religious norms of the society. Pakistan actively resists laws that it thinks promotes homosexuality at an international level even at the United Nations. In 2003, Pakistan,



along with five other Muslim countries, derailed the first-ever resolution on LGBT Rights at the United Nations. In 2008, a coalition of 57 Nation States that included Pakistan and other members of the Organisation of Islamic Cooperation (OIC) opposed the resolution again.

On 6th September 2018, neighbouring India's Supreme Court decriminalised gay sex and ended its decades-long colonialera discrimination against the LGBT community [Kunwar, 2018], which was hailed as a momentous occasion worth celebrating across South Asia. Despite the success that LGBT activists achieved in India, LGBT activists in Pakistan are presently not so 'optimistic' that the situation in their country can change in their lifetime as radical Islamisation continues to thrive with many gay men and lesbians suffer the most [Fawad, 2018].

The public and state perception of gay people continues to remain 'homophobic' largely. In 2013, Pew survey found Pakistan to be amongst the least tolerant societies to be a homosexual [Pew Survey, 2013], only 4% of the audience went about to another report published in 2019 by the International Lesbian, Gay, Bisexual, Trans and Inter sex Association (ILGA) highlighted how Pakistan continues to remain one of the 70 UN members that criminalize same-sex relationship and also maintains a 'possible' death sentence for homosexuality [Lucas, 2019]. While there are no official statistics about Pakistan's LGBTI population, unofficial sources predict that in Karachi alone, a city of nearly 22 million

people, the number is over 50,000 [Shadi Khan Saif, 2014]. In 2011, mass protests were organised outside the United States Consulate in Karachi by the Islamist student's organisation 'Jamaat-e-Islami' after the US consulate held a public gay pride within their premises. Similarly, in November 2018, 18 International Non-Profit Organizations (INGOs) were ordered to shut down with some accused of holding debates about homosexuality [Ikram, 2018].

Public spaces that are open to the idea or even the presence of the LGBT+ community simply do not exist, but in the past few years there has been greater room for the public inclusion and representation of queer, transgender and gender non-conforming folks to reclaim public spaces such as through feminist and transgender marches [Aima, 2019]. Traditionally feminist spaces have not been able inclusive of LGBT communities, but in recent years, a new wave of intersectional feminism has been more inclusive of queer, transgender and non-binary folks within the feminist movement. For the past two years since the first 'Aurat March' also known as women's march was organised, feminist activists have tried their best to open up public spaces to make them more inclusive, intersectional and diverse for the most marginalised and oppressed in the society.

Similarly, the first-ever transgender pride was organised in 29th December 2018 and called for the government to push forward with the implementation for the recently

passed 'Transgender Bill of Rights 2018' [Nick, 2018]. The transgender communities have been able to work its way through the problematic transphobic and sexist landscape of the country, with many working as successful NGO professionals, lawyers, singers, models, news anchor person and even take part in the elections as independent political candidates [Alia, 2018].

Despite the ever-increasing public perception in favour of the transgender community, transmisogyny and phobia are wide spread, especially in the Urdu language (national language) electronic and print media. There exists a stereotypical attitude against transgender people within the Pakistani society that can be regarded as transphobic as it continues to misgender, stigmatise and ridicule people of gender variance [Jamil, Khurram, 2018].

When it comes to healthcare, queer and transgender community continue to face discrimination at the hands of medical or even psychiatric professionals who are the least LGBT friendly in the country. It has increasingly been reported that in the last two decades, 'concentrated epidemics' of the human immunodeficiency virus (HIV) is on the rise especially within high-risk groups such as Injecting Drug Users (IDUs), transgender women and men who have sex with men (MSM). [Khanani, 2011].

Similarly, the first ever research carried out in Pakistan on the healthcare needs of the transgender

community in 2018, revealed 78.75% respondents feel they do not have access to qualified healthcare providers while only 21.25% stated they had sufficient coverage [Sehrish, 2018].

Non-Government Organisations (NGOs) have been involved in work aimed at combating HIV/ AIDs in the most vulnerable of groups such as men who have sex with men (MSM), and transgender women have played an important role in spearheading 'transgender activism' in Pakistan. Community-Based Organizations (CBOs) have proven to be an instrumental force behind empowering activists and even equipping them with the right set of knowledge, opportunities and exposure that enabled them to advance LGBT equality in the country further.

In a brief analysis of the current state of transgender activism in the country it can be concluded that Pakistan has come a long way in the past two decades with significant steps taken by the government towards advancing transgender equality, LGBTQI activism, on the other hand, remains in a dismal state due to restrictions applied by the government and growing religious conservatism in the country.

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