4.10. Persons with diverse SOGIESC

COMMON ANALYSIS
Last update: October 2026

This profile refers to persons who are perceived as not conforming to state, religious and/or social norms because of their sexual orientations, gender identities and/or expressions, or sex characteristics, including the treatment of lesbian, gay, bisexual, trans (including '*Khwaja Siras*' or '*hijras*'), intersex or queer, also commonly referred to as LGBTIQ persons.

For the situation of SOGIESC rights defenders and activists, see Human rights defenders and activists.

The analysis below is based on the following EUAA COI products: Country Focus 2026, 6.1.6.; Country Focus 2024, 6.7.; Country Guidance should not be referred to as a source of COI.

Although transgender persons benefit from some degree of protection under the Transgender Persons (Protection of Rights) Act 2018, it has only been partially implemented to date. The transgender community continues to face societal stigma and violence.

Step 1: Do the reported acts amount to persecution?

Some acts to which persons with diverse SOGIESC could be exposed are of such severe nature that they would amount to persecution. More precisely, consensual same-sex sexual relations are a criminal offense in Pakistan, punishable by imprisonment ranging from two years to life, fines, or both. Transgender individuals are subjected to (honour) killings and forced expulsion by political and community figures. Sexual minorities, transgender and other gender-diverse people face systemic violence at the hands of both state actors and the society at large.

The severity and/or repetitiveness of other acts that persons with diverse SOGIESC could be subjected to and whether they occur as an accumulation of various measures, should also be considered. More specifically, sexual minorities face systemic discrimination and harassment. Transgender women experience online hate, and transgender persons face stigma and harassment, including in educational settings by peers and teachers. Transgender individuals often experience discrimination in access to employment, which forces some of them into sex work, to resort to begging or to perform as dancers at events that place them at greater risk of abuse.

Step 2: What is the level of risk of persecution?

A well-founded fear of persecution would in general be substantiated for persons with diverse SOGIESC, given the systemic violence they face.

It is recalled as per Article 10(3) QR that an applicant cannot be expected to adapt his or her behaviour, convictions or identity, or to abstain from certain practices, where such behaviour, convictions or practices are inherent to his or her identity, to avoid the risk of persecution in his or her country of origin.

Step 3: Is there a ground for persecution?

Persecution of individuals under this profile is highly likely to be for reasons of **membership of a particular social group** (15), based on a shared characteristic or belief that is so fundamental to the identity of the applicant, that they should not be forced to renounce it, and based on their distinct identity in Pakistan, as shown by the criminalisation (16) and/or the social stigma. Persecution of individuals under this profile may also be for reasons of **religion**, for example, due to the fact that politicians and religious leaders consider homosexuality, gender non-conformity, or diverse sexual identities to be 'un-Islamic'.

- 15

  Art. 10(1) QR: '*Depending on the circumstances in the country of origin, the concept of membership of a particular social group as referred to in point (d) of the first subparagraph shall include membership of a group based on a common characteristic of sexual orientation. Gender related aspects, including gender identity and gender expression, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group*', Regulation (EU) 2024/1347.

- 16

  The existence of criminal laws, which specifically target homosexuals, supports the finding that those persons must be regarded as forming a particular social group. CJEU, judgement of 7 November 2013, *Minister voor Immigratie en Asiel v X and Y and Z*, Joined Cases C-199/12 to C-201/12, Fourth Chamber, paras. 48-49. Summary available in the EUAA Case Law Database.

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