

*Lindsey  
a good report  
thoughtful and reports  
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---ASSIGNMENT OF HOMOSEXUAL EMPLOYEES

1)HOMOSEXUALITY AND HOMOSEXUAL ACTIVITY ARE ILLEGAL IN PAKISTAN AND ARE DEALT WITH UNDER TWO BASIC LEGAL INSTRUMENTS:THE 1979 HADOOD (PUNISHMENT)ORDINANCE AND THE PAKISTAN PENAL CODE (1350). A)ORDINANCE DEALS WITH SITUATION WHERE ONE PARTY IS UNCONSENTING AND THE OFFENDING PARTY QUOTE COMMITS UNNATURAL LUST BY FORCE UNQUOTE.UNDER KORANIC INSTRUCTIONS HOMOSEXUALITY IS DEEMED UNNATURAL. SUCH ACTIVITY IS PUNISHABLE BY DEATH OR LIFE IMPRISONMENT AND APPLIES WITH EQUAL FORCE TO BOTH PAKISTANI AND FOREIGN NATIONALS WHETHER MALE OR FEMALE.FOREIGNERS WITH DIPLOMATIC STATUS ARE EXEMPT FROM PROVISIONS OR ORDINANCE.

(B)PAKISTAN PENAL CODE ADDRESSES SITUATIONS WHERE BOTH PARTIES ARE APPARENTLY CONSENTING.ARTICLE 377 STATES QUOTE UNNATURAL OFFENCES: WHOEVER VOLUNTARILY HAS CARNAL INTERCOUSE AGAINST THE ORDER OF NATURE WITH ANY MAN,WOMAN AND ANIMAL,SHALL BE PUNISHED WITH IMPRISONMENT FOR LIFE (ADULTS),OR WITH IMPRISONMENT OF EITHER DESCRIPTION FOR A TERM WHICH SHALL NOT/NOT BE LESS THAN TWO YEARS NOR MORE THAN TEN YEARS (MINORS ABOVE AGE OF EIGHT WITH ENOUGH UNDERSTANDING);AND SHALL ALSO BE LIABLE TO FINE.EXPLANATION: PENETRATION IS SUFFICIENT TO CONSTITUTE THE CARNAL INTERCOUSE

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NECESSARY TO THE OFFENSE DESCRIBED IN THIS SECTION UNQUOTE. THIS IS THE ARTICLE UNDER WHICH PRACTISING HOMOSEXUALS WOULD BE MOST AT RISK OF PROSECUTION. PAK POLICE AND JUDGES WOULD WITHOUT EXCEPTION INCLUDE HOMOSEXUALITY AS FALLING WITHIN PHRASE QUOTE AGAINST THE ORDER OF NATURE UNQUOTE. ARTICLE 294 DEALING WITH OBSCENE ACTS AND SONGS CARRIES PUNISHMENT OF THREE MONTHS OR FINE ON BOTH. THIS ARTICLE WOULD APPLY TO PUBLIC DISPLAYS OF OBVIOUS HOMOSEXUAL BEHAVIOUR. ARTICLES 269 AND 270 DEALING WITH NEGLIGENT (269) OR MALICIOUS (270) ACTS LIKELY TO SPREAD THE INFECTION OF DISEASE DANGEROUS TO LIFE COULD BE APPLIED TO HIV VIRUS CARRIERS [REDACTED]

[REDACTED]

(B) FACT OF HOMOSEXUALITY OR HOMOSEXUAL ACTIVITY IF KNOWN COULD HAVE EXTREMELY NEGATIVE IMPACT ON EMPLOYEES ABILITY TO EFFECTIVELY PERFORM HIS/HER DUTIES AT THE MISSION IF PRACTISED OUTSIDE THE FRAMEWORK OF A MONOGAMOUS HOMOSEXUAL COUPLE. IT MIGHT EVEN LEAD TO VIOLENCE PERPETRATED AGAINST A CANADIAN HOMOSEXUAL. AN EXAMPLE IS THE DISAPPEARANCE/PROBABLE DEATH OF [REDACTED] WHO ENGAGED IN HOMOSEXUAL ACTIVITIES. ACTIVITY COULD EASILY COME TO ATTENTION OF POLICE. IT THEN WOULD DEPEND IF POLICE DECIDED TO PERSECUTE; IF SO HOW JUDGE HANDLES CHARGES; AND HOW FOREIGN MINISTRY REACTED.

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OUR ASSESSMENT IS THAT IF EMPLOYEE(S) BEHAVIOUR WAS/WERE TOO OVERT AND RESULTED IN ARREST, PAK AUTHORITIES WOULD NOT/NOT PURSUE CASE ON UNDESTANDING HE/SHE/THEY WOULD LEAVE PAKISTAN UNDER COVER OF DIPLOMATIC IMMUNITY.

(C) NOTWITHSTANDING DIPLOMATIC IMMUNITY, LACK OF LEGAL PROTECTION AS OUTLINED ABOVE WOULD CREATE DIFFICULTIES IN DAILY LIVING CONDITIONS FOR ACTUAL/SUSPECTED HOMOSEXUALS. KORAN CONDEMNS HOMOSEXUALITY. IN PRACTICE THERE IS LIMITED UNACKNOWLEDGED TOLERANCE (BUT NOT/NOT ACCEPTANCE) WITHIN PAKISTAN FOR HOMOSEXUAL BEHAVIOUR BECAUSE OF FORMAL SOCIETAL HOSTILITY TO PRE-MARITAL AND EXTRA-MARITAL SEXUAL ACTIVITY WITH OPPOSITE SEX. HOWEVER, TO PUT THINGS IN PERSPECTIVE THERE IS ABSOLUTELY NO/NO PUBLIC DISCUSSION OF SITUATION AND MOST PAKISTANIS IGNORE OR PRETEND IT DOES NOT/NOT EXIST. SEXUAL REPRESSION IS THE NORM AND REPORTED CASES OF RAPE, INCEST, SODOMY, CHILD MOLESTATION, ETC ARE A FRACTION OF ACTUAL NUMBER.

2. THE BOTTOM LINE FOR ASSIGNMENT POSSIBILITIES IS THIS:

(1) SINGLE HOMOSEXUAL RISK HOSTILE INTOLERANCE EVEN VIOLENCE IN PAKISTAN, PARTICULARLY IN ISLAMABAD WHERE IT IS DIFFICULT TO HAVE A SUBMERGED PRIVATE BIG CITY LIFE AS WOULD BE MORE THE CASE IN LAHORE OR KARACHI;

(2) PAKISTANI SOCIETY IS STILL TOTALLY UNPREPARED FOR HOMOSEXUAL COUPLE. IT WOULD BE REGARDED AS A BIZARRE OFFENSIVE WESTERN PRACTICE IN THIS CONSERVATIVE MUSLIM SOCIETY AND WOULD LEAD TO SOCIAL

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ORTRACIZATION;

(3)THE STRESS IN THIS LEVEL IV (NOW V)POST IS ALREADY SO HIGH THAT ANY HOMOSEXUAL ASSIGNMENT ATTEMPTING TO BREAK NEW GROUND IN THIS AREA WOULD BE SERIOUSLY COMPROMISED IN COPING WITH THE VICISSITUDES OF DAILY LIFE AND IN PERFORMING HIS/HER HICOM DUTIES.

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