

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	628
Land:	Pakistan
Kilde:	Human Rights Watch
Titel:	Submission to the Universal Periodic Review of Pakistan
Udgivet:	juli 2022
Optaget på baggrundsmaterialet:	2. maj 2023



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Human Rights Watch

July 2022

Introduction

1. The human rights situation in Pakistan has sharply deteriorated since the country's last Universal Periodic Review (UPR) in 2017. This submission highlights key areas of concern about Pakistan's compliance with recommendations it accepted through its previous UPRs, and information about additional international human rights obligations and issues not previously addressed.

Freedom of Religion

2. During its 3rd UPR cycle, Pakistan agreed to ensure accountability for abuses and violent attacks on religious minorities by accepting the recommendation to "make greater efforts to investigate complaints and prosecute those that commit crimes against ethnic and religious minorities, such as the Hazaras, Dalits, Christians, Hindus and Ahmadis."¹ Pakistan rejected all 15 recommendations on repealing or reviewing the blasphemy law. Since 2017, religious minorities have faced widespread persecution from government officials and agencies.

3. Section 295-C of Pakistan's penal code makes the death penalty mandatory for blasphemy, although no executions have taken place. The Pakistani government failed to amend or repeal the blasphemy law provisions that provide a pretext for impunity and violence against religious minorities.

4. Members of the Ahmadiyya religious community continue to be a target for prosecutions under blasphemy laws and specific anti-Ahmadi laws. Militant groups including the Islamist Tehreek-e-Labbaik party (TLP) accuse Ahmadis of "posing as Muslims,"² which the Pakistan penal code also treats as a criminal offense. In May 2020, the government excluded Ahmadis from the National Commission for Minorities, which was tasked with safeguarding the rights of Pakistani minorities.³

5. In December 2019, the Punjab provincial assembly unanimously adopted a resolution calling on the federal government to make existing laws sterner to "punish blasphemers" and set up a screening system to intercept blasphemous material on social media.⁴

6. Since 2017, dozens of members of religious minority communities have faced blasphemy charges.

7. In September 2020, a Lahore trial court sentenced to death Asif Pervaiz, a Christian man accused of sending a blasphemous text.⁵ In January 2022 an anti-cybercrime court sentenced a Rawalpindi woman, Aneeqa Atiq, to death for sharing "blasphemous content" on WhatsApp.⁶

¹ Paragraph cites are to United Nations General Assembly, Human Rights Council, Report of the Working Group on the Universal Periodic Review: Pakistan, A/HRC/37/13 (December 2017); para. 152.84.

² "All you need to know about TLP, Pakistan's hardline Islamist party calling the shots," November 9, 2019, *Gulf News*, <https://gulfnews.com/world/asia/pakistan/all-you-need-to-know-about-tlp-pakistans-hardline-islamist-party-calling-the-shots-1.1541741110622>, (accessed June 28, 2022).

³ "Pakistani Ahmadis Kept of Minorities Commission," May 8, 2020, Human Rights Watch News Release, <https://www.hrw.org/news/2020/05/08/pakistan-ahmadis-kept-minorities-commission>, (accessed June 28, 2022).

⁴ Intikhab Hanif, "Punjab Assembly resolution seeks most stringent anti-blasphemy laws," January 1, 2020, *Dawn*, <https://www.dawn.com/news/1525516>, (accessed June 28, 2022).

⁵ Mubasher Bukhari, "Pakistan court sentences Christian to death on blasphemy charges," September 8, 2020, *Reuters*, <https://www.reuters.com/article/us-pakistan-blasphemy-idUSKBN25Z29L>, (accessed June 28, 2022).

⁶ Shah Meer Baloch, "Woman sentenced to death in Pakistan over "blasphemous" WhatsApp activity," January 19, 2022, *Guardian*, <https://www.theguardian.com/world/2022/jan/19/pakistan-woman-aneeqa-ateeq-sentenced-to-death-blasphemous-whatsapp-messages>, (accessed June 28, 2022).

8. Since 2017, courts have acquitted several individuals accused of blasphemy, often after they had already spent years in prison. In June 2021, the Lahore High Court acquitted a Christian couple, Shafqat Emmanuel and Shagufta Kausar, after they had spent seven years on death row. The couple was convicted in 2014 for allegedly sending “blasphemous” texts.⁷ In October 2018 the Supreme Court released Asia Bibi, a Christian, who in 2010 became the first woman to be sentenced to death for blasphemy.⁸

Violence and the Blasphemy Law

9. In May 2021, a mob broke into an Islamabad police station to lynch two brothers charged with blasphemy. The assailants battled with police officers before the station was brought under control. The two brothers were physically unharmed. The police arrested some individuals who took part, but none were prosecuted.

10. In July 2020, Tahir Naseem Ahmad, an Ahmadi man charged with blasphemy and imprisoned in 2018, was fatally shot by an assailant who smuggled a gun inside a high-security courtroom in Peshawar. Although the assailant was arrested, no government officials condemned the attack.⁹

11. In November 2020, a bank security guard fatally shot Malik Imran Hanif, a bank manager in Khushab, Punjab, over blasphemy allegations.¹⁰ In March 2021, Taqi Shah, a Shi’a scholar facing blasphemy charges, was axed to death in Shorkot, Punjab.¹¹

12. In December 2021 a mob killed Priyantha Diyawadanage Kumara, a Sri Lankan national working as a factory manager in Sialkot, after he was accused of blasphemy for removing posters of an Islamist organization which contained religious content.¹²

13. In February 2022, Mushtaq Ahmed, diagnosed with a mental disability, was stoned to death for allegedly desecrating the Quran, in Khanewal, Punjab.¹³

14. In March 2022, a 21-year-old woman in Dera Ismail Khan was killed by three women who accused her of blasphemy. According to the police, the suspects claimed that a 13-year-old relative had

⁷ “Pakistan court acquits Christian couple of ‘blasphemy,’” June 4, 2021, *Al-Jazeera*, <https://www.aljazeera.com/news/2021/6/4/pakistan-court-acquits-christian-couple-of-blasphemy-charges>, (accessed June 28, 2022).

⁸ “Pakistan’s Aasia Bibi Finally Gets Justice,” October 31, 2018, Human Rights Watch, <https://www.hrw.org/news/2018/10/31/pakistans-aasia-bibi-finally-gets-justice>, (accessed June 28, 2022)

⁹ Secunder Kermani, “Pakistan blasphemy: Gunman shoots accused dead in court,” July 29, 2020 <https://www.bbc.com/news/world-asia-53582578> (accessed July 13, 2022).

¹⁰ Imran Gabol, “Bank Manager shot dead by security guard over blasphemy in Punjab’s Khushab,” November 4, 2020, *Dawn*, <https://www.dawn.com/news/1588614/bank-manager-shot-dead-by-security-guard-allegedly-over-blasphemy-in-punjab-khushab>, (accessed June 28, 2022).

¹¹ Imran Gabol, “Man axed to death over blasphemy allegations in Punjab’s Jhang,” March 26, 2021, *Dawn*, <https://www.dawn.com/news/1614755>, (accessed June 28, 2022).

¹² Fatima Bhutto, “The rage of men with no future led to the lynching of Priyantha Kumara,” December 10, 2021, *Guardian*, <https://www.theguardian.com/commentisfree/2021/dec/10/rage-men-lynching-priyantha-kumara-pakistan-india>, (accessed June 28, 2022).

¹³ Ayaz Gul, “Mob kills Alleged Blasphemers in Pakistan,” February 13, 2022, *VOA*, <https://www.voanews.com/a/mob-kills-alleged-blasphemer-in-pakistan/6439871.html>, (accessed June 28, 2022).

been told “in a dream” that the victim had committed blasphemy.¹⁴

15. Recommendations

- Repeal laws that discriminate against minorities including section 295(C) of the Penal Code (the Blasphemy Law) and section 298, which targets the Ahmadiyya community.
- Investigate and prosecute murder and other acts of violence by the Tehrik-i-Taliban Pakistan (TTP), Lashkar-i-Jhangvi (LeJ) and other militant groups.
- Take urgent measures to protect members of the minority communities and other vulnerable groups across Pakistan.
- Hold accountable individuals and groups responsible for inciting violence against religious minorities.
- Invite the United Nations Special Rapporteur on Freedom of Religion and Belief to visit Pakistan.

Freedom of Expression

16. Since Pakistan’s last UPR, the government has violated the right to freedom of expression and failed to protect journalists, media outlets and human rights defenders from attacks on free expression by non-state actors. Militant groups have frequently targeted the media.

17. In 2017 Pakistan accepted recommendations to take measures to “prevent impunity for crimes against journalists and media workers” and protect “the media against any intimidation or violence, including enforced disappearance.”¹⁵ Pakistan also committed to investigate reports of attacks on journalists and human rights defenders and bring the perpetrators to justice. Pakistan has failed to make progress on these commitments.

18. Journalists increasingly practice self-censorship, fearing retribution from security forces, military intelligence, and militant groups. Media outlets remained under pressure to avoid reporting on or criticizing human rights violations in counterterrorism operations. Armed groups threatened media outlets and targeted journalists and activists for their work.

19. Several journalists suffered violent attacks since 2017. In April 2021, an unidentified assailant shot and wounded Absar Alam, a television journalist and prominent critic of the government, in Islamabad.¹⁶ In May 2021, three unidentified men forcibly entered journalist Asad Ali Toor’s apartment in Islamabad, bound and gagged him and severely beat him. Toor said that they identified themselves as being from a security agency, interrogated him about his “source of funds,” and confiscated his cell phone and other devices.¹⁷ The government ordered an investigation, but no findings were made public. That month, the news channel Geo “suspended” Hamid Mir, one of Pakistan’s best-known television talk show hosts, after he spoke at a protest in solidarity with Toor.¹⁸ In June 2019, Muhammad Bilal Khan, a freelance journalist who ran a popular YouTube channel covering politics, was stabbed to death in Islamabad. No one was charged with the crime.¹⁹

¹⁴ “Pakistani teacher killed for alleged blasphemy: Police,” March 30, 2022, *Al Jazeera*, <https://www.aljazeera.com/news/2022/3/30/pakistan-school-teacher-killed-for-alleged-blasphemy-police>, (accessed June 28, 2022).

¹⁵ Paras. 152.173; 152.174.

¹⁶ “Journalist Absar Alam shot, wounded in Pakistan,” April 20, 2021, Committee to Protect Journalists, <https://cpj.org/2021/04/journalist-absar-alam-shot-wounded-in-pakistan/> (accessed June 28, 2022).

¹⁷ “Unidentified men attack, bind, and gag Pakistani journalist Asad Ali Toor at his home in Islamabad,” May 26, 2021, Committee to Protect Journalists, <https://cpj.org/2021/05/unidentified-men-attack-bind-and-gag-pakistani-journalist-asad-ali-toor-at-his-home-in-islamabad/>, (accessed June 28, 2022).

¹⁸ “Pakistan: Escalating Attacks on Journalists,” Human Rights Watch News Release, June 3, 2021, <https://www.hrw.org/news/2021/06/03/pakistan-escalating-attacks-journalists>, (accessed June 28, 2022).

¹⁹ “Pakistani journalist Muhammad Bilal Khan stabbed to death in Islamabad,” June 19, 2019, Committee to Protect Journalists, <https://cpj.org/2019/06/pakistani-journalist-muhammad-bilal-khan-stabbed-t/> (accessed June 28, 2022).

20. The Pakistani government did not amend or repeal the “Policy for Regulation of INGOs in Pakistan,” which requires international human rights and humanitarian groups to register and obtain prior permission from the Ministry of Interior to carry out activities in the country, and to restrict their operations to specific issues and geographical areas.²⁰ The ministry is broadly empowered to cancel registrations on grounds of “involvement in any activity inconsistent with Pakistan’s national interests, or contrary to Government policy”—vague terms that can be used for political purposes.

21. Domestic NGOs reported intimidation, harassment, and surveillance by various government authorities.

22. Recommendations

- End harassment, intimidation, use of coercion, violence and other abuses against journalists and other media workers. Lift formal and informal restrictions and decrees imposed on the media that violate the right to freedom of expression.
- Investigate and appropriately prosecute any public officials committing abuses against members of the media.
- Amend the Prevention of Cybercrimes Act to ensure that it does not criminalize ordinary use of the internet, safeguards privacy rights, and enables free expression.
- Withdraw the “Policy for Regulation of INGOs in Pakistan,” which will severely restrict operations by international nongovernmental organizations and human rights defenders.

Police and Security Forces Abuse

23. Pakistan previously said it was committed to preventing all torture and ill-treatment by government officials and claimed that “allegations of torture had been fully investigated and disciplinary action taken against those responsible.” Pakistan also accepted a recommendation to “take all necessary steps to ensure that all perpetrators of torture are prosecuted and brought to justice.”²¹ However, serious allegations of human rights violations-- including torture, enforced disappearances, and extrajudicial killings-- during counterterrorism operations have continued.

24. Pakistan has not made torture a criminal offense despite being obligated to do so under the UN Convention against Torture. In July 2021, the Pakistan Senate unanimously approved a bill outlawing police torture and seeking to prevent deaths in police custody.²² The National Assembly has not passed the law.

25. Pakistan supported a recommendation during its 2012 UPR cycle to “criminalize enforced disappearances in the penal code,”²³ but failed to uphold that commitment. In March 2021, then Prime Minister Imran Khan met with families of people forcibly disappeared and pledged to address their concerns.²⁴ However, his government announced no investigations in any cases. Pakistan has also ignored rulings from the Supreme Court demanding justice for victims of enforced disappearances, as well as recommendations from the UN Working Group on Enforced or Involuntary Disappearances.²⁵

²⁰ “International NGOs will require govt consent to gather funds, operate: Nisar,” October 1, 2015, *Express Tribune*, <https://tribune.com.pk/story/965678/international-ngos-will-require-govt-consent-to-gather-funds-operate-nisar>, (accessed June 28, 2022).

²¹ Para. 152.134.

²² “Pakistan: Pass Anti-Torture Bill,” July 14, 2021, Human Rights Watch News Release, <https://www.hrw.org/news/2021/07/14/pakistan-pass-anti-torture-bill> (accessed June 28, 2022).

²³ United Nations General Assembly, Human Rights Council, Report of the Working Group on the Universal Periodic Review: Pakistan, A/HRC/22/12 (December 2012); para. 122.20.

²⁴ “End Pakistan’s Enforced Disappearances,” March 22, 2021, Human Rights Watch, <https://www.hrw.org/news/2021/03/22/end-pakistans-enforced-disappearances>, (accessed June 28, 2022).

²⁵ Ibid.

26. Suspects continue to be detained without charge and tried without due judicial process. The authorities have used counterterrorism laws to perpetuate vendettas as an instrument of political coercion.

27. In January 2019, police in Sahiwal district, Punjab, killed four members of a single family in an operation police claimed was targeting a militant leader. However, witness accounts suggest that the police fired indiscriminately at the family's car.²⁶ The police officials involved were arrested and charged with murder. In September 2019, Saluhddin Ayubi in Rahim Yar Khan district, Punjab, was arrested for robbing a cash machine and died shortly afterwards in custody. His family claimed Ayubi, who had a mental health condition, had been tortured to death by police. A forensic report subsequently corroborated the torture claims.²⁷

28. Pakistan has more than 3,800 prisoners on death row, one of the world's largest populations facing execution.²⁸ Those on death row are often from the most marginalized sections of society.

29. Recommendations

- Ensure detainees and prisoners have access to family members, adequate health care, and legal representation of their choice.
- Ensure compliance and transparency in arrest procedures to prevent enforced disappearances, torture, and custodial killings; prosecute personnel responsible for violations.
- Ensure mandatory autopsies in every case of custodial death or "encounter" killing. Provide a written copy of the report to the deceased's family within 24 hours of the examination.
- Amend police regulations, rules, and manuals to reflect the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.
- Criminalize torture in the Penal Code with appropriate penalties.
- Ensure that police officers implicated in torture or ill-treatment, regardless of rank, are disciplined or prosecuted as appropriate.
- Independently investigate every case of custodial death or encounter killing and register a First Information Report (FIR) when there is suspicion of death due to torture.
- Impose a moratorium on the death penalty, with the aim to eventually prohibit the practice.

Women and Girls

30. Violence against women and girls—including rape, so-called "honor" killings, acid attacks, domestic violence, and forced marriage—have remained a serious problem. Pakistani activists estimate that there are about 1,000 "honor" killings every year.²⁹

31. In July 2021, the torture and murder of Noor Muqadam, 27, in Islamabad led to nationwide protests. A childhood friend of Muqadam whose marriage proposal she had refused was arrested and

²⁶ M. Ilyas Khan, "Sahiwal shooting: How a Pakistani boy exposed police for killing his family," January 23, 2019, *BBC*, <https://www.bbc.com/news/world-asia-46961523>, (accessed June 28, 2022)

²⁷ "Another unexplained death in Pakistan police custody," September 2, 2019, Human Rights Watch, <https://www.hrw.org/news/2019/09/02/another-unexplained-death-pakistan-police-custody>, (accessed June 28, 2022).

²⁸ Justice Project Pakistan, "Who Are We Hanging," <https://data.jpp.org.pk/> (accessed July 13, 2022).

²⁹ "Honor Killings Continue in Pakistan Despite New Law," September 25, 2017, Human Rights Watch, <https://www.hrw.org/news/2017/09/25/honor-killings-continue-pakistan-despite-new-law>, (accessed June 28, 2022).

charged with the murder.³⁰ In July 2021, Pakistan's Parliament failed to pass a bill that would have criminalized domestic violence; women rights activists criticized the government's decision to refer the bill to the Council of Islamic Ideology (CII) for review. The CII criticized the bill saying that it was un-Islamic and posed a threat to family life.³¹

32. In August 2019, in an important enforcement of laws to prosecute “honor” killings, the parents of Qandeel Baloch, a Pakistani social media celebrity who was murdered by her brothers in July 2016, were denied their request to “pardon” the perpetrators.³² However, the decision was overturned on appeal.³³ After Baloch's murder, the parliament passed a law partially closing the pardon loophole used by families to protect perpetrators in the family. However, very few cases of “honor” killings were successfully prosecuted.

33. In January 2018, the rape and murder of 7-year-old Zainab Ansari in Kasur, Punjab, led to nationwide outrage and prompted the government to promise action.³⁴ In June 2018, the Supreme Court upheld the convictions of Imran Ali for the rape and murder of Zainab Ansari and at least eight other girls. Imran Ali was executed in October 2018.³⁵

34. Pakistan previously rejected recommendations to enact and enforce laws to protect religious minorities against forced conversions. Women from religious minority communities remain particularly vulnerable to these practices. A report by the Movement for Solidarity and Peace in Pakistan found that at least 1,000 girls belonging to Christian and Hindu communities are forced to marry Muslim men every year.³⁶ The government has failed to act to stop such forced marriages. Child marriage remains a serious concern in Pakistan, with 21 percent of girls marrying before the age of 18, according to UNICEF, and child marriage is permitted by law in most provinces.³⁷

35. Recommendations

- Ensure full implementation of the law on “honor” killings and close the remaining loophole permitting pardons to bring Pakistan into compliance with international legal standards.
- Ensure the effective implementation of the legislation on gender-based violence including domestic violence and acid attacks and prosecute those responsible.
- Improve access to services for victims of gender-based violence, including by establishing an adequate number of shelters accessible to all survivors—at least one in every district—and providing survivors with financial support, housing, legal assistance, support services, counseling, and physical and mental health services.

³⁰ Sophia Saifi, “The beheading of a diplomat's daughter shows how badly Pakistan is failing its women,” August 9, 2021, *CNN*, <https://edition.cnn.com/2021/08/07/asia/pakistan-noor-mukadam-murder-intl-hnk-dst/index.html>, (accessed June 28, 2022).

³¹ “Minister, CII chief criticises Domestic Violence Bill, terms un-Islamic,” *Daily Times*, July 15, 2021, <https://dailytimes.com.pk/791993/minister-cii-chief-criticises-domestic-violence-bil-terms-un-islamic/> (accessed July 13, 2022).

³² “Pakistan Should Not Again Fail “Honor Killing” Victim,” August 22, 2019, Human Rights Watch, <https://www.hrw.org/news/2019/08/22/pakistan-should-not-again-fail-honor-killing-victim>, (accessed June 28, 2022).

³³ *Ibid.*

³⁴ “Justice for Zainab: Timeline of the Kasur rape, murder case that gripped the nation,” October 17, 2018, *Dawn*, <https://www.dawn.com/news/1439587>, (accessed June 28, 2022).

³⁵ *Ibid.*

³⁶ Anwar Iqbal, “1,000 minority girls forced in marriage every year: report,” April 8, 2014, *Dawn*, <https://www.dawn.com/news/1098452>, (accessed June 28, 2022).

³⁷ “Pakistan Should End Child Marriage,” October 12, 2017, Human Rights Watch, <https://www.hrw.org/news/2017/10/12/pakistan-should-end-child-marriage>, (accessed June 28, 2022).

- Develop and implement strategies to recruit and retain more female police officers, prosecutors, and judges.
- Make 18 years the minimum age of marriage, with no exceptions, in all provinces.
- Develop and implement a comprehensive national action plan to end child marriage involving all relevant government bodies, investigate all complaints of child marriage promptly, raise awareness about the harms caused by and the illegality of child marriage, intervene to prevent child marriages, and prosecute anyone who has facilitated or arranged a child marriage in violation of the law.
- Ensure that social welfare officers, social workers, and law enforcement officials identify and protect children who are victims of violence including sexual violence.
- Investigate and appropriately prosecute those responsible for sexual violence including sexual violence against children.

Children’s Right to Education

36. In the last UPR cycle, Pakistan supported the recommendation to “continue the current efforts to ensure that all children, without discrimination, enjoy the right to education.”³⁸

37. Even before the Covid-19 pandemic, over five million primary school-age children in Pakistan were out of school, most of them girls. Human Rights Watch research found girls miss school due to a shortage of schools accepting girls, costs associated with studying, child marriage, harmful child labor, and gender discrimination.³⁹ School closures to protect against the spread of Covid-19 affected almost 45 million students for most of the year; Pakistan’s poor internet connectivity hampered online learning.

38. Recommendations

- Strengthen oversight of provincial education systems’ progress toward achieving parity between girls and boys and universal primary and secondary education for all children, by requiring provinces provide accurate data on girls’ education, monitoring enrollment and attendance by girls, and setting targets in each province.
- Reduce the cost of education for families through measures like providing free school supplies and uniforms and transportation to and from school.
- Explore measures to increase the number of girls attending and retained in education through steps like scholarships and aid distribution through schools.
- Increase expenditure on education in line with UNESCO recommended levels needed to fulfill obligations related to the right to education.

Sexual Orientation and Gender Identity

39. Pakistan’s penal code criminalizes same-sex sexual conduct, placing men who have sex with men and transgender women at risk of police abuse and other violence and discrimination. In a positive step towards legally recognizing gender identity and protecting transgender people, in 2009 Pakistan’s Supreme Court asked the state to ensure rights of transgender people to basic education, employment, and protection. In 2018, Pakistan’s senate passed a sweeping transgender rights bill that explicitly prohibits discrimination and harassment of trans people, and protects their rights to health

³⁸ Para. 152.224.

³⁹

Human Rights Watch, “Shall I Feed My Daughter, or Educate Her?” November 2018, <https://www.hrw.org/report/2018/11/12/shall-i-feed-my-daughter-or-educate-her/barriers-girls-education-pakistan>, (accessed June 28, 2022).

and access to public places.⁴⁰ In 2019, Prime Minister Imran Khan launched a healthcare access program that specifically included trans people.⁴¹

40. However, violent attacks on transgender and intersex women have continued with impunity. In July 2021, activists claimed that the transgender community in Karachi was being targeted in an organized social media campaign to instigate violence against its members.⁴²

41. Recommendations

- Undertake prompt, thorough, and impartial investigations into attacks on transgender people and ensure those responsible are brought to justice.
- Have police work with transgender communities and organizations to introduce sensitivity training on ending discrimination against transgender people and with international human rights principles.
- Decriminalize same-sex sexual conduct.

⁴⁰ Text of Transgender Rights Bill, passed March 7, 2018, https://senate.gov.pk/uploads/documents/1521612511_419.pdf (accessed July 13, 2022).

⁴¹ “PM Khan launches healthcare scheme for transgender Pakistanis,” *Al Jazeera*, December 31, 2019, <https://www.aljazeera.com/news/2019/12/31/pm-khan-launches-healthcare-scheme-for-transgender-pakistanis/>, (accessed July 13, 2022).

⁴² “Karachi’s transgender community living in the fear of being attacked,” July 16, 2021, *Geo*, <https://www.geo.tv/latest/360312-karachis-transgender-community-living-in-fear-of-being-attacked>, (accessed June 28, 2022).