



Home Office

# **Country Policy and Information Note**

## **Bangladesh: Sexual orientation and gender identity and expression**

**Version 4.0**

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# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- A person is reasonably likely to face a real risk of persecution or serious harm
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive) / Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- A claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included. All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

# Contents

<b>Assessment</b> .....	<b>6</b>
1. Introduction .....	6
1.1 Basis of claim .....	6
1.2 Points to note .....	6
2. Consideration of issues .....	6
2.1 Credibility.....	6
2.2 Exclusion.....	6
2.3 Convention reason(s) .....	7
2.4 Risk .....	7
2.5 Protection .....	11
2.6 Internal relocation.....	12
2.7 Certification .....	12
<b>Country information</b> .....	<b>13</b>
4. Legal context .....	13
4.1 Statutory laws.....	13
4.2 Gay and bisexual men.....	13
4.3 Lesbian and bisexual women .....	13
4.4 Transgender persons – hijra.....	14
4.5 Non-hijra transgender persons .....	16
4.6 Intersex persons .....	17
4.7 Other legal provisions affecting LGBTI persons .....	17
4.8 Sharia law.....	18
5. State attitudes and treatment.....	18
5.1 Implementation and enforcement of the law criminalising same-sex relations.....	18
5.2 Arrest and detention .....	19
5.3 Official discrimination and harassment.....	20
5.4 Official response to reports of anti-LGBT violence .....	24
5.5 Official views on sexual orientation and gender identity .....	26
6. Societal norms .....	28
6.1 Overview .....	28
6.2 Societal norms – gender and sexual identity .....	29
6.3 Societal norms – marriage.....	31
6.4 Pro-LGBT marches/gay pride.....	33
7. Societal treatment, violence and discrimination .....	34

7.1 Overview .....	34
7.2 Discrimination and violence against gay and bisexual men.....	37
7.3 Discrimination and violence against lesbians and bisexual women.....	38
7.4 Discrimination and violence against hijras.....	39
7.5 Discrimination and violence against non-hijra transgender persons.....	40
7.6 Family treatment.....	41
8. Access to services .....	42
8.1 Overview for transgender persons – hijra.....	42
8.2 Healthcare .....	43
8.3 Accommodation.....	44
9. LGBTI groups, civil society and human rights NGOs.....	45
9.1 LGBTI community and activists .....	45
9.2 Government recognition and restrictions .....	47
<b>Terms of Reference.....</b>	<b>49</b>
<b>Bibliography .....</b>	<b>50</b>
Sources cited.....	50
Sources consulted but not cited.....	56
<b>Version control.....</b>	<b>57</b>

# Assessment

Updated: 24 March 2020

## 1. Introduction

### 1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the state and/or non-state actors due to the person's actual or perceived sexual orientation and/or gender identity or expression.

### 1.2 Points to note

1.2.1 This note provides an assessment of the general situation for gay men, lesbians, bisexuals, transgender and intersex persons (including hijras), as well as those perceived as such. They are referred hereafter collectively as 'LGBTI persons', although the experiences of each group may differ – in particular the experience of hijras, who have had a distinct position in South Asian culture for thousands of years and are regarded as a third gender in Bangladesh. However, not all transgender persons are hijras, even though they may be viewed as such. Some hijra may be born intersex. Information on intersex persons per se was limited (for background on hijras, see Legal context: [Transgender persons – hijra](#)).

1.2.2 For general guidance on considering claims LGBTI persons, decision makers should refer to the Asylum Instructions on [Sexual orientation in asylum claims](#) and [Gender identity issues in the asylum claim](#).

[Back to Contents](#)

## 2. Consideration of issues

### 2.1 Credibility

2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#), the [Asylum Instruction on Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

[Back to Contents](#)

### 2.2 Exclusion

2.2.1 Decision makers must consider whether one (or more) of the exclusion clauses applies. If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection. Each case must be considered on its individual facts and merits.

2.2.2 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

[Back to Contents](#)

## 2.3 Convention reason(s)

- 2.3.1 Actual or imputed membership of a particular social group (PSG).
- 2.3.2 LGBTI persons form a particular social group (PSG) in Bangladesh within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it and have a distinct identity in Bangladesh because LGBTI persons are perceived as being different by the surrounding society.
- 2.3.3 Although LGBTI persons from Bangladesh form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question is whether the particular person has a well-founded fear of persecution on account of their membership of such a group.

[Back to Contents](#)

## 2.4 Risk

### a. General points

- 2.4.1 Paragraphs 35 and 82 of the determination of the Supreme Court's ruling in [HJ \(Iran\) and HT \(Cameroon\) v Secretary of State for the Home Department \[2010\] UKSC 31](#), heard 10,11,12 May and promulgated 7 July 2010, has set out the approach to take and established the test that should be applied when assessing a claim based on a person's sexual orientation, which can also be applied to claims based on a person's gender identity / expression.
- 2.4.2 For further information, see the Asylum Instruction on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

[Back to Contents](#)

### b. State treatment

- 2.4.3 Section 377 of the Penal Code does not explicitly refer to male-male or female-female sexual relations, but 'carnal intercourse against the order of nature'. This interpretation includes sex between men and women and is punishable by a fine and either a prison term not exceeding 10 years or life imprisonment.
- 2.4.4 The law is rarely enforced but its existence reinforces a general acceptance of homophobia and possible impunity for those targeting LGBTI persons. Sources report that there have only ever been 2 recorded arrests under Section 377 (and both were later charged under other provisions of the Penal Code); and that there have been no cases of prosecution resulting in a conviction under Section 377. LGBTI groups claim the government retains the law due to societal pressure and reports further suggest that arrests and prosecutions are often not recorded (see [Legal context](#) and [Implementation and enforcement of the law criminalising same-sex relations](#)).
- 2.4.5 Female-female sexual activity is not a criminal offence and, in August 2019, the Australian Department of Foreign Affairs and Trade (DFAT) stated that it

was not aware of any cases in which criminal prosecutions have been brought against lesbians in relation to their sexual identity. However, this should be viewed in the context of the general lack of societal awareness or understanding about lesbianism, which may lead to social invisibility (see [Legal context](#), [Implementation and enforcement of the law criminalising same-sex relations](#) and [Discrimination and violence against lesbians and bisexual women](#)).

- 2.4.6 There are no laws prohibiting discrimination on the basis of sexual orientation or gender identity (see [Legal context](#)).
- 2.4.7 Although a secular country Bangladesh provides for Islam to be the state's religion under which any sexual activity outside of a heterosexual/straight marriage is prohibited (see [Sharia law](#)).
- 2.4.8 In November 2013, Bangladesh officially recognised the hijra population, allowing hijras to identify as a 'third gender' on passports and other official government documents. However, it was not until 2018 that the Bangladesh Election Commission, the department responsible for issuing identity cards, added 'hijra' to the 'gender identity' section on its voter registration form. Practical government support for Hijras is reported to be insufficient, for example, in accessing education, housing, basic health care services and employment. There is no legal recognition of non-hijra transgender persons (see Legal context: [Transgender persons – hijra](#), [State attitudes and treatment](#) and Access to services – [Overview for transgender persons – hijra](#)).
- 2.4.9 Section 377 and certain other legal provisions – such as Section 86 of the Dhaka Metropolitan Police Ordinance, Section 290 of the Penal Code, Article 54 of the Code of Penal Procedure (general public order offences) and the Vagrants and Shelterless Persons Act 2011 – are reportedly used by police and authorities as a pretext to harass, threaten, intimidate, arbitrarily arrest and extort bribes from LGBTI persons and to prevent registration of LGBTI organisations. However, lawyers consulted during the Home Office Fact Finding Mission to Bangladesh in May 2017, noted that Article 54 is not used disproportionately against LGBTI people. There have also been reports of physical and sexual assaults by police against LGBTI persons and official discrimination in employment, housing and access to government services. The scale at which this occurs is not reported (see [Legal context](#), [State attitudes and treatment](#) and [LGBT groups, civil society and human rights NGOs](#)).
- 2.4.10 In May 2017, the Rapid Action Battalion (RAB) raided a gathering of almost 30 gay men in Dhaka. Authorities publicly accused the men of homosexuality, with images of the arrested appearing in local media. The men were subsequently charged with drug offences after illegal drugs were reported to be found in their possession (see [Arrest and detention](#)).
- 2.4.11 In May 2018, a LGBTI rights activist expressed fear about organising the LGBTI community in the country, as formal organisation would require the disclosure to the government of LGBTI activists' identities, making them potential targets for government monitoring and harassment (see State attitudes and treatment – [Official discrimination and harassment](#)).

- 2.4.12 The level and frequency of harassment depends largely on an individual's socio-economic status, geographic location and gender role. In metropolitan cities, LGBTI individuals from the middle-classes are usually less visible than the lower/working classes of LGBTI individuals – for example, hijras and kothis (effeminate men) – partly through being able to communicate more discreetly online (see State attitudes and treatment – [Official discrimination and harassment](#) and [LGBTI community and activists](#)).
- 2.4.13 In general, same-sex relations are stigmatised and a person who openly identifies as LGBTI could be liable to prosecution by the state, or face harassment, extortion, physical and sexual assault, and intimidation by law enforcement agencies. There is limited information about the extent of the treatment faced by LGBTI persons who openly express their sexual orientation or gender identity. Whilst same-sex sexual relations are prohibited, the law is rarely enforced and there are no known cases of legal proceedings or convictions under Section 377. However, if the law was applied, it would be disproportionate and discriminatory.
- 2.4.14 If a person does not openly express their sexual orientation or gender identity, consideration must be given to the reasons why they do not.
- 2.4.15 Each case must be considered on its facts with the onus on the person to demonstrate that they would be at real risk on return.
- 2.4.16 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.4.17 Decision makers must also refer to the AI's on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

[Back to Contents](#)

### c. Societal treatment

- 2.4.18 Strong social stigma based on sexual orientation is common in Bangladesh and prevents open discussion of the subject. Due to social taboos and societal pressure to conform to heterosexual, cultural and religious norms, including marriage and having children, the majority of LGBTI people in Bangladesh choose to keep their sexual orientation a private matter (see Societal attitudes and treatment – [Societal norms – gender and sexuality](#) and [Societal norms – marriage](#)).
- 2.4.19 Whilst there had been some progression in LGBTI rights in recent years, this has reversed since 2016, with death threats issued against organisers of a 2016 Rainbow Rally, the April 2016 murders of a high-profile gay activist and his friend by local Islamists, and threats of violence targeting other gay men – both activists and non-activists. In 2018, members of LGBTI communities reported receiving threatening messages via telephone, text, and social media. According to Freedom House, dozens of attacks on LGBTI individuals are reported every year, though CPIT was unable to locate such reports in the sources consulted for this Note (see [Bibliography](#) and [Societal treatment, violence and discrimination](#)).
- 2.4.20 Where family members are hostile to a lesbian or bisexual woman's sexuality, they may threaten violence or forced marriage or otherwise reject her completely. This is also reported to be the case for gay men. Women are

less able than men to withstand family pressure to marry because of their position in society generally (see [Societal norms - marriage, Discrimination and violence against lesbians and bisexual women, Family treatment](#) and, for the general position of women, the [Country Policy and Information Note on Bangladesh: Women fearing gender-based violence](#)).

- 2.4.21 There have been reports of violent behaviour towards LGBTI persons, who are open about their sexual orientation or gender identity, and rights activists, by non-state actors. However, no specific reports could be found, but there appears to be a general fear of societal violence amongst the LGBTI community especially after the high profile murders in 2016. Due to their public gender role and higher visibility, Hijras are more prone to violence and discrimination from various societal actors, but they have a more accepted place in society than other LGBTI people (see [Societal treatment, violence and discrimination](#)).
- 2.4.22 Various sources maintain that LGBTI persons are, in general, reluctant to be open about their sexuality and that the LGBTI 'community' is closed and private, although persons from a higher socio-economic background may 'come out' to their family or friends. Informal networking takes place at private parties and other venues (though more so for gay men), and on the internet, though this has reduced since 2016. Reasons for not being open may include having to conform to societal norms and fear of discrimination and/or violence (see [Societal norms - marriage, Societal norms – gender and sexuality](#) and [Societal treatment, violence and discrimination](#)).
- 2.4.23 Sources suggest that the rise in social media has led to an increase in hate speech against LGBTI people. Whilst there are support groups for LGBTI persons, their activities have reduced since 2016 due to attacks targeting LGBTI members, general harassment and a high-profile police raid on an LGBTI social event in May 2017. (see [Societal norms – gender and sexuality, Societal treatment, violence and discrimination](#) and [LGBTI community and activists](#)).
- 2.4.24 There is a general lack of societal awareness about lesbianism leading to social invisibility and organizations specifically assisting lesbians are rare. There are no registered SOGI-based NGOs in Bangladesh, although there are some long-standing civil society groups, such as Boys of Bangladesh and the Bhandu Social Welfare Society, and online communities such as Roopbaan, Shambhab (a lesbian network) and Vivid Rainbow (see [LGBTI community and activists](#) and [LGBTI groups, civil society and human rights NGOs](#)).
- 2.4.25 In general, LGBTI persons are not open about their sexual orientation, identity or expression due to social stigma, pressures and norms, and to avoid discrimination and violence arising from this. Lesbians and bisexual women in particular are unlikely to be open about their sexual identity as doing so could make them vulnerable to societal violence, including physical attack. LGBTI persons who openly express their sexual orientation or gender identity are likely to be socially excluded, receive threats of violence and, in some cases, may be attacked by non-state actors. Widespread stigma and discrimination is also likely to restrict their participation in the community and the workforce, and access to healthcare. The nature and degree of treatment

may vary according to where the person lives and their socio-economic status (see [Societal norms](#) and [Societal treatment, violence and discrimination](#)).

- 2.4.26 In general, an LGBTI person who is open about their sexual orientation and / or gender identity may be at risk of treatment which by its nature and repetition amounts to persecution. LGBTI rights activists, and journalists and bloggers who report on such issues, may be at greater risk of treatment amounting to persecution because of their profile (see [LGBTI community and activists](#)).
- 2.4.27 If a person does not openly express their sexual orientation or gender identity consideration must be given to the reasons why they do not. Each case must be considered on its facts with the onus on the person to demonstrate that they would be at real risk on return.
- 2.4.28 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.4.29 Decision makers must also refer to the AI's on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

[Back to Contents](#)

## 2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from the state, they will not be able to avail themselves of the protection of the authorities.
- 2.5.2 Where the person has a well-founded fear of persecution from non-state actors, including 'rogue' state-actors, decision makers must assess whether the state can provide effective protection.
- 2.5.3 Some sources indicate that many LGBTI persons who experience societal ill treatment do not report the incidents to the police due to a fear of having to reveal their sexual orientation or fear that they may face violence or extortion on account of their sexual orientation or gender identity (see [Societal treatment, violence and discrimination](#) and [Police responses to reports of anti-LGBT violence](#)).
- 2.5.4 State authorities have been responsible for arbitrary arrests, detentions, harassment and discrimination towards LGBTI persons with reports of the police physically and sexually assaulting them. There is some evidence of the authorities taking appropriate action for the murder of 2 gay rights activists in 2016 and, in 2019, 4 people were in custody charged with the murders (see [Official response to reports of anti-LGBT violence](#) and [Violence perpetrated by extremist groups](#)).
- 2.5.5 In general, the state appears able but unwilling to offer effective protection and the person will not be able to avail themselves of the protection of the authorities. However, each case will need to be considered on its facts.
- 2.5.6 See also the country policy and information notes on [Bangladesh: Actors of protection](#) and [Bangladesh: Women fearing gender-based violence](#).
- 2.5.7 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

## 2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution from the state, they are unlikely to be able to relocate to escape that risk.
- 2.6.2 Where the person has a well-founded fear of persecution from non-state actors, including 'rogue' state-actors, decision makers must determine whether the person could relocate internally to a place where they would not face a real risk of persecution or serious harm and where they can reasonably be expected to stay.
- 2.6.3 Homophobic and traditional attitudes are prevalent throughout the country and there is very little space in Bangladeshi society to openly identify as an LGBTI person (see [State attitudes and treatment](#) and [Societal norms](#)).
- 2.6.4 Internal relocation will not be an option if it depends on the person concealing their sexual orientation and/or gender identity in the proposed new location for fear of persecution.
- 2.6.5 See also the country policy and information note on [Bangladesh: Actors of protection](#).
- 2.6.6 For further guidance on internal relocation and the factors to consider, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.6.7 Decision makers must also refer to the AI's on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

[Back to Contents](#)

## 2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

[Back to Contents](#)

# Country information

Section 4 updated: 24 March 2020

## 4. Legal context

### 4.1 Statutory laws

4.1.1 The Constitution provides, under Article 27, that 'All citizens are equal before law and are entitled to equal protection of law' and, under Article 28(1): 'The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.'<sup>1</sup>

4.1.2 According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) December 2019 report, there are no laws in Bangladesh prohibiting discrimination on the basis of sexual orientation or gender identity; there is no legal recognition of same-sex civil unions or marriages; and same-sex couples cannot adopt children<sup>2</sup>.

[Back to Contents](#)

### 4.2 Gay and bisexual men

4.2.1 The Bangladesh Penal Code, originally enacted by the colonial government in the 1860s, does not specifically refer to homosexuality, but deals with actions that go against 'the natural order'. Section 377 states:

'Section 377: Unnatural offences: Whoever voluntary has carnal intercourse against the order of nature with man, woman, or animal, shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to 10 years, and shall also be liable to fine.

'Explanation: penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.'<sup>3</sup>

4.2.2 According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) December 2019 report this provision in the penal code is relevant for 'all genders' and the maximum prison penalty is 'life'<sup>4</sup>. Yet, in another table within the same report it is stated that the criminalisation of same sex sexual acts only relates to 'males only' with a maximum penalty of 10 years<sup>5</sup>.

[Back to Contents](#)

### 4.3 Lesbian and bisexual women

4.3.1 In its 2019 report, ILGA indicated that female-female sexual activity was not a criminal offence under existing penal law although elsewhere within the same report it stated that the provision in the penal code is relevant for 'all genders' and the maximum prison penalty is 'life'<sup>6</sup>. The Human Dignity Trust,

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<sup>1</sup> Constitution of the People's Republic of Bangladesh (Articles 27 and 28), 1972, [url](#).

<sup>2</sup> ILGA, 'State-Sponsored Homophobia 2019 - update' (page 172), December 2019, [url](#).

<sup>3</sup> The Penal Code (Section 377), 6 October 1860, [url](#).

<sup>4</sup> ILGA, 'State-Sponsored Homophobia 2019 - update' (page 50), December 2019, [url](#).

<sup>5</sup> ILGA, 'State-Sponsored Homophobia 2019 - update' (page 172), December 2019, [url](#).

<sup>6</sup> ILGA, 'State-Sponsored Homophobia 2019 - update' (pages 50 and 172), December 2019, [url](#).

a non-governmental organisation defending the rights of LGBT persons, did not, in its May 2016 report, include Bangladesh on a list of countries where 'lesbians and bisexual women are criminalised'.<sup>7</sup>

- 4.3.2 The Kaleidoscope Human Rights Foundation, Australia, noted in its September 2016 report to the UN Committee on the Elimination of Discrimination Against Women (CEDAW), that '...there are no national legislative provisions protecting LGBTI [lesbian, bisexual, transgender and intersex] women, other than Hijra [[Transgender persons – Hijra](#)], from employment discrimination on the basis of their sexual orientation, gender identity or intersex status.'<sup>8</sup>

[Back to Contents](#)

#### 4.4 Transgender persons – hijra

- 4.4.1 In the culture of the Indian sub-continent, 'Hijras' are regarded as a 'third gender'; most hijras see themselves as 'neither man nor woman'<sup>9 10</sup>. They cannot accurately be described as 'eunuchs' or 'hermaphrodites' or 'transsexual women', which are Western terms<sup>11 12</sup>. Most hijras were born male or intersex (with ambiguous genitalia); some will have undergone a ritual emasculation operation, which includes castration<sup>13 14</sup>. Some other individuals who identify as hijras were born female<sup>15 16</sup>. Although most hijras wear women's clothing and have adopted female mannerisms, they generally do not attempt to pass as women<sup>17</sup>. Becoming a hijra involves a process of initiation into a hijra 'family', or small group, under a guru teacher<sup>18 19</sup>. George Arney wrote, in a BBC News article of 30 November 2000, that hijras have been part of the South Asian landscape for thousands of years<sup>20</sup>.
- 4.4.2 Hijras can fall under the umbrella term transgender<sup>21</sup> but, according to two sources interviewed for the Home Office Fact Finding Mission in May 2017, not all transgender persons are hijras, even though they may be viewed as such<sup>22</sup>. The Kaleidoscope Human Rights Foundation, Australia, noted in September 2016 'The Hijra community often identifies itself as an alternative gender, rather than as transgender.'<sup>23</sup>

<sup>7</sup> Human Dignity Trust, 'Breaking the Silence...' (page 36, Appendix A), 13 May 2016, [url](#).

<sup>8</sup> Kaleidoscope Australia, 'Parallel Report to the CEDAW' (para 8.3), September 2016, [url](#).

<sup>9</sup> Nanda. S., 'Neither Man nor Woman...' (Chapter 2), 1999, [url](#).

<sup>10</sup> BBC News, 'Blurring the gender lines in Bangladesh', 30 November 2000, [url](#).

<sup>11</sup> Nanda. S., 'Neither Man nor Woman...' (Chapter 2), 1999, [url](#).

<sup>12</sup> BBC News, 'Blurring the gender lines in Bangladesh', 30 November 2000, [url](#).

<sup>13</sup> Nanda. S., 'Neither Man nor Woman...' (Chapter 2), 1999, [url](#).

<sup>14</sup> BBC News, 'Blurring the gender lines in Bangladesh', 30 November 2000, [url](#).

<sup>15</sup> Nanda. S., 'Neither Man nor Woman...' (Chapter 2), 1999, [url](#).

<sup>16</sup> BBC News, 'Blurring the gender lines in Bangladesh', 30 November 2000, [url](#).

<sup>17</sup> Nanda. S., 'Neither Man nor Woman...' (Chapter 2), 1999, [url](#).

<sup>18</sup> Nanda. S., 'Neither Man nor Woman...' (Chapter 2), 1999, [url](#).

<sup>19</sup> BBC News, 'Blurring the gender lines in Bangladesh', 30 November 2000, [url](#).

<sup>20</sup> BBC News, 'Blurring the gender lines in Bangladesh', 30 November 2000, [url](#).

<sup>21</sup> BBC, 'The semi-sacred "third gender" of South Asia', 20 July 2017, [url](#).

<sup>22</sup> Home Office, 'FFM to Bangladesh' (para 7.4.1), September 2017, [url](#).

<sup>23</sup> Kaleidoscope Australia, 'Parallel Report to the CEDAW' (para 4.2), September 2016, [url](#).

- 4.4.3 In November 2013, the Bangladesh government granted hijras legal status as members of a ‘third gender’ for ‘purposes of voting, travel, identification and other core civil rights.’<sup>24</sup> On 16 January 2014, the government issued a Gazette notification to this effect<sup>25</sup>. This meant that they became entitled to identify their gender as ‘hijra’ in national documents such as passports and ID cards, rather than ‘male’ or ‘female’<sup>26</sup>. However, according to two sources interviewed by the Home Office Fact Finding Mission in May 2017 this recognition ‘is not reflected on their documentation such as passports and National ID cards.’<sup>27</sup> The representative of the National Human Rights Commission Bangladesh told the Home Office FFM that ‘Hijras have become more recognised in society, and although an Executive Order states they are recognised as a third gender, this recognition has not been enacted in law. For example, if applying for a passport a hijra can choose the option ‘Other’ as opposed to ‘Male’ or ‘Female’ but if their birth name, which might be male, does not match their female hijra name, this can cause difficulties. Some hijras may have grown up as male, gone to school as male, so all their official documentation is in their birth (male) name so applying for documentation in a new female name is difficult. If a hijra wants to change their name on documentation they are forced to undergo a physical examination, which can be humiliating and an invasion of privacy. Whilst the law may wish to define hijras as having physical differences, many hijras see it as more psychological.’<sup>28</sup> The representative of Boys of Bangladesh told the Home Office FFM that ‘the situation for hijras had improved because they have recognition as a third gender but they still need a lot of support from the government. They have recognition as a third gender on National ID cards. However, there was still difficulty in finding employment and little was done to ensure their equal rights. Being recognised as a third gender is only good if it comes with the benefits for other genders.’<sup>29</sup>
- 4.4.4 The online news site, bdnews24, noted in January 2018 that it was not until 4 years after the government’s announcement on the legal status of hijra that the Bangladesh Election Commission (BEC) amended its rules and added ‘hijra’ to the ‘gender identity’ section on its voter registration form<sup>30</sup>. Over a year later, the Dhaka Tribune reported that, according to the Election Commission, the voter list would commence being updated on 23 April 2019<sup>31</sup>. The USSD HR Report 2019 said ‘... in April [2019] the government included hijra as a separate sex category on the national voters list.’<sup>32</sup> The Election Commission is the government department responsible for issuing national identity cards and all registered voters are eligible to receive an identity card of ‘the prescribed class’<sup>33</sup>.

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<sup>24</sup> ILGA, ‘State Sponsored Homophobia 2017’ (page 121), May 2017, [url](#).

<sup>25</sup> The Independent, ‘Hijras’ third gender identity virtually remains unrecognised’, 24 July 2016, [url](#).

<sup>26</sup> New York Times, ‘Transgender Rights, Bangladesh Style’, 2 July 2015, [url](#).

<sup>27</sup> Home Office, ‘FFM to Bangladesh’ (para 7.4.2), September 2017, [url](#).

<sup>28</sup> Home Office, ‘FFM to Bangladesh’ (pages 87-88), September 2017, [url](#).

<sup>29</sup> Home Office, ‘FFM to Bangladesh’ (page 120), September 2017, [url](#).

<sup>30</sup> Bdnews24, ‘Election Commission adds “Hijra” gender to voter list’, 13 January 2018, [url](#).

<sup>31</sup> Dhaka Tribune, ‘Members of the third gender can vote as “hijra”’, 19 April 2019, [url](#).

<sup>32</sup> USSD, ‘Country Report on Human Rights Practices for 2019’ (Section 6), 11 March 2020, [url](#).

<sup>33</sup> BEC, ‘Enroll and obtaining NID’, n.d., [url](#).

4.4.5 According to an article in the New York Times of 2 July 2015, ‘...while hijras are allowed to be members of a third gender, it is illegal for them [under the penal law] to have relationships with other members of their sex.’<sup>34</sup> CPIT was unable to find any information in which a hijra was convicted following a consensual sexual relationship with another member of the same sex (see [Bibliography](#)).

4.4.6 At a seminar organised by the National Human Rights Commission (NHRC) and the Bandhu Social Welfare Society on 29 April 2015, the Chairman of the Parliamentary Standing Committee on the Law Ministry noted, ‘Nowhere in the Constitution is it stated that people of the transgender community are barred from getting family property. Nor is it banned in any religion practiced in our country. [...] It is possible to ensure their rights to inheriting family property.’<sup>35</sup> The August 2019 report on Bangladesh, by the Australian Government’s Department of Foreign Affairs and Trade (DFAT), which draws on DFAT’s on-the-ground knowledge and discussions with a range of sources in Bangladesh, as well as other open source material, noted, however, that hijra ‘lack inheritance rights under sharia provisions governing personal status matters.’<sup>36</sup>

4.4.7 The Kaleidoscope Human Rights Foundation, Australia, noted in its September 2016 report, that:

‘The Domestic Violence (Prevention and Protection) Act, 2010 defines “victim” narrowly as “a child or woman who is or has been or is at risk of being subjected to domestic violence by any other member of the family to whom a family relationship exists”.

‘This definition of victim has the effect that a victim of domestic violence who is not legally recognised as a woman, including Hijra (who have legal recognition as an alternative or third gender) and transgender women, do not have the benefit of the protections provided under this legislation.’<sup>37</sup>

See also [Non-hijra transgender persons](#) and [Societal norms – gender and sexuality](#) for further information on hijra.

[Back to Contents](#)

## 4.5 Non-hijra transgender persons

4.5.1 The Kaleidoscope Human Rights Foundation, Australia, noted in September 2016, ‘While Bangladesh is to be commended for its recognition of Hijra as a third or “alternative” gender, there is no legal recognition of female to male transgender people, or male to female transgender people. That is, transgender women are only afforded protection to the extent that they identify as Hijra and not as male or female.’<sup>38</sup>

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<sup>34</sup> New York Times, ‘Transgender Rights, Bangladesh Style’, 2 July 2015, [url](#).

<sup>35</sup> Bandhu, ‘Third gender is not a word, it is a Gender’, April 2015, [url](#).

<sup>36</sup> DFAT, ‘Country Information Report Bangladesh’ (para 3.137), 22 August 2019, [url](#).

<sup>37</sup> Kaleidoscope Australia, ‘Parallel Report to the CEDAW’ (paras 9.8-9.9), September 2016, [url](#).

<sup>38</sup> Kaleidoscope Australia, ‘Parallel Report to the CEDAW’ (para 6.2), September 2016, [url](#).

- 4.5.2 The same report further stated that the narrowly defined definition of ‘victim’ under the Domestic Violence Act does not include transgender women and thus they are excluded from this legislation<sup>39</sup>.

[Back to Contents](#)

#### 4.6 Intersex persons

- 4.6.1 CPIT could find no specific information on intersex persons in the sources consulted, but some hijras are born intersex (see [Bibliography](#)).

[Back to Contents](#)

#### 4.7 Other legal provisions affecting LGBTI persons

- 4.7.1 The report of an April 2015 fact finding mission by the French Office for Protection of Refugees and Stateless Persons (OFPRA FFM Report 2015) noted:

‘Article 86 of the [[Dhaka Metropolitan Police Ordinance](#)<sup>40</sup>], entitled “Penalty for being found under suspicious circumstances between sunset and sunrise”, can be used against LGBT individuals, in particular its subparagraph (b): “Having without any satisfactory excuse his face covered or otherwise disguised”, as men wearing makeup and women’s clothes or meeting in small groups during the hours stipulated in the ordinance may be arrested on the basis of the Article.’<sup>41</sup>

- 4.7.2 Article 54 of the [Code of Penal Procedure](#) of 1898, which allows the police to arrest a person (against whom a complaint has been made) without a warrant, has also been used against LGBT individuals, according to the OFPRA Report 2015<sup>42</sup>.

- 4.7.3 According to the Global Human Rights Defence (GHRD), an international human rights organisation promoting and protection minority rights, reporting in 2015:

‘Section 377 of the [Penal Code](#) is used in conjunction with sections 54 and 55 of the Code of Criminal Procedure (CCP), which allow law enforcement agencies to arrest without a warrant, to harass the LGBT community. Sections 54 and 55 of CCP are enforced as a so-called “preventative measure”: any police officer in charge can arrest individuals whom he/she has a probable cause or reasonable suspicion that the individual will commit a “cognisable offence”.

‘The High Court Division of the Supreme Court of Bangladesh has issued detailed guidelines on the enforcement of section 54 of CCP. These guidelines were issued to limit the abuse of section 54... by law enforcement agencies.’<sup>43</sup>

- 4.7.4 The same source stated the Vagrants and Shelterless Persons (Rehabilitation) Act 2011 was reportedly used to carry out arbitrary arrests

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<sup>39</sup> Kaleidoscope Australia, ‘Parallel Report to the CEDAW’ (paras 9.8-9.9), September 2016, [url](#).

<sup>40</sup> Dhaka Metropolitan Police Ordinance, 1976, [url](#).

<sup>41</sup> OFPRA, ‘Report on the mission to the People’s Republic of Bangladesh’ (page 41), June 2015, [url](#).

<sup>42</sup> OFPRA, ‘Report on the mission to the People’s Republic of Bangladesh’ (page 41), June 2015, [url](#).

<sup>43</sup> GHRD, ‘The Invisible Minority...’ (page 13), 2015, [url](#).

targeted at sex workers and men who have sex with men (MSM)<sup>44</sup> (see also [Arrest and detention](#)).

[Back to Contents](#)

## 4.8 Sharia law

4.8.1 Bangladesh is a secular country but also provides for Islam as the state religion<sup>45</sup>. Nearly 90% of Bangladesh's population is Muslim<sup>46</sup> and sexual activity of any nature outside of a (heterosexual/straight) marriage is prohibited under Islam<sup>47</sup>.

4.8.2 The DFAT report noted that hijra 'lack inheritance rights under sharia provisions governing personal status matters.'<sup>48</sup>

[Back to Contents](#)

Section 5 updated: 24 March 2020

## 5. State attitudes and treatment

### 5.1 Implementation and enforcement of the law criminalising same-sex relations

5.1.1 According to views adopted by the UN Human Rights Committee (UNHRC) in 2013 'Although the law that criminalizes homosexual relationships is not systematically applied it reinforces a general climate of homophobia and impunity for those who persecute LGBT individuals. Moreover, the law is applied in an unofficial manner without recorded prosecutions by State and non-State agents.'<sup>49</sup>

5.1.2 The Kaleidoscope Trust, an NGO supporting the rights of LGBTI persons, stated in a 2015 report that 'There have been two recorded arrests under Section 377. Both arrests were later charged under other [provisions of the Penal Code]. To date no single case of punishment has happened under Section 377.'<sup>50</sup> The 2015 OFPRA FFM Report noted that, 'Although a few cases have been registered under Article 377, none of them have led to legal proceedings or convictions, usually due to lack of witnesses or evidence.'<sup>51</sup> CPIT, in the sources consulted, could not find any further reports of legal proceedings or convictions (see [Bibliography](#)).

5.1.3 The US Department of State, in its 2018 Country Report on Human Rights Practices (USSD HR Report 2018), noted that Section 377 of the Penal Code 'was not actively enforced'<sup>52</sup>. Freedom House also stated, in its 2019 and 2020 Freedom in the World reports, covering 2018 and 2019 events respectively, that Section 377 was rarely enforced<sup>53 54</sup>. Though the law was

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<sup>44</sup> GHRD, 'The Invisible Minority...' (page 13), 2015, [url](#).

<sup>45</sup> Constitution of the People's Republic of Bangladesh, 1972, [url](#).

<sup>46</sup> CIA, 'The World Factbook, Bangladesh' (People and society), updated 7 February 2020, [url](#).

<sup>47</sup> UNAIDS, 'HIV and Men who have Sex with Men in Asia ...' (page 29), September 2006, [url](#).

<sup>48</sup> DFAT, 'Country Information Report Bangladesh' (para 3.137), 22 August 2019, [url](#).

<sup>49</sup> UNHRC, 'Communication no. 2149/2012...' (paragraph 3.2), 26 September 2013, [url](#).

<sup>50</sup> Kaleidoscope Trust, 'Speaking Out 2015...' (page 40), 2015, [url](#).

<sup>51</sup> OFPRA, 'Report on the mission to the People's Republic of Bangladesh' (page 40), June 2015, [url](#).

<sup>52</sup> USSD, 'Country Report on Human Rights Practices for 2018' (page 40), 13 March 2019, [url](#).

<sup>53</sup> Freedom House, 'Freedom in the World 2019 – Bangladesh' (Section F4), 4 February 2019, [url](#).

<sup>54</sup> Freedom House, 'Freedom in the World 2020 – Bangladesh' (Section F4), 4 March 2020, [url](#).

not generally enforced, the USSD HR Report 2018 noted ‘LGBTI groups reported the government retains the law as a result of societal pressure.’<sup>55</sup>

- 5.1.4 In its August 2019 report, DFAT said it was ‘... not aware of any cases in which criminal prosecutions have been brought against lesbians in relation to their sexual identity.’<sup>56</sup> (see also [Societal violence and discrimination towards lesbians and bisexual women](#)).
- 5.1.5 During the Home Office FFM to Bangladesh in May 2017, 2 sources noted that people were unlikely to be charged under Section 377; rather, other laws, such as drug laws, were used against LGBT people<sup>57</sup>
- 5.1.6 The Office for the Defense of Rights and Intersectionality (ODRI) noted in its contribution to the UN Committee against Torture and Other cruel Inhuman or Degrading Treatment or Punishment’s 67<sup>th</sup> Session held in the summer 2019 that ‘The People’s Republic of Bangladesh maintains a Criminal Code from 1860 that criminalized consensual sexual acts between same-sex couples under the prohibition of “unnatural behaviour”. This law that dates centuries stigmatises the sexual orientation and gender identity. Moreover, this disposition validates the acts of stigmatization, harassment and violence against lesbian, gay, bisexual, transgender and intersex persons.’<sup>58</sup>

See also [Official discrimination and harassment](#) and [Arrest and detention](#).

[Back to Contents](#)

## 5.2 Arrest and detention

- 5.2.1 As reported in The Daily Star (of Bangladesh) in December 2014, according to Barrister Sara Hossain, honorary director of Bangladesh Legal Aid and Services Trust (BLAST), the police use Section 54 of the Code of Criminal Procedure (CCP) to harass LGBT people<sup>59</sup>. Speaking at a Bandhu Social Welfare Society workshop, the barrister said that ‘besides being politically motivated, sometimes the arrests take place simply to take bribes.’<sup>60</sup> Under Section 54 of the CCP 1898, individuals may be arrested without a warrant<sup>61</sup>. Lawyers consulted during the Home Office FFM to Bangladesh in May 2017 did not consider that Section 54 was used disproportionately against LGBT persons<sup>62</sup>.
- 5.2.2 The Global Human Rights Development (GHRD) report of 2015 stated that: ‘While the usage of section 54 for arbitrary arrests might have decreased, similar legal provisions still exist under various Metropolitan Police Ordinances. For example, section 86 of the Dhaka Metropolitan Police Ordinance, relating to the penalty for being found under suspicious circumstances between sunset and sunrise, is also used to harass and intimidate LGBT people using public spaces. LGBT individuals who have

<sup>55</sup> USSD, ‘Country Report on Human Rights Practices for 2018’ (page 40), 13 March 2019, [url](#).

<sup>56</sup> DFAT, ‘Country Information Report Bangladesh’ (para 3.135), 22 August 2019, [url](#).

<sup>57</sup> Home Office, ‘FFM to Bangladesh’ (para 7.3.2), September 2017, [url](#).

<sup>58</sup> ODRI, ‘Contribution to the Committee against Torture...’ (section c.), 24 June 2019, [url](#)

<sup>59</sup> Daily Star, ‘Sexual minorities being harassed’, 12 December 2014, [url](#).

<sup>60</sup> Daily Star, ‘Sexual minorities being harassed’, 12 December 2014, [url](#).

<sup>61</sup> The Code of Criminal Procedure, 1898, [url](#).

<sup>62</sup> Home Office, ‘FFM to Bangladesh’ (page 78), September 2017, [url](#).

access to public cruising areas are physically assaulted and forcefully removed from public spaces by law enforcement agencies.<sup>63</sup>

- 5.2.3 According to media sources, between 27 and 29 men were arrested on 19 May 2017 on suspicion of being gay following a raid at a community centre in Dhaka by the Rabid Action Battalion (RAB)<sup>64</sup>. According to the reports the men were mostly students aged 20-30 years. The men were charged with drug offences after illegal drugs were reported to be found in their possession<sup>65 66 67</sup>. Local media reportedly published information on the men's identities after the police held a press conference and outed them as 'homosexual men'<sup>68</sup>, and, as noted by Human Rights Watch, placing them at risk of humiliation or violent attack<sup>69</sup>.

(For further information on the RAB, see the [Country Policy and Information Note on Bangladesh: Actors of protection](#)).

- 5.2.4 Various sources consulted during the Home Office FFM to Bangladesh in May 2017 referred to the above arrests by the RAB after a raid on a private gathering of gay men in Dhaka, adding that the men were then charged under narcotics offences<sup>70</sup>. The men were later freed and, according to Amnesty International, reporting in August 2017, '... do not appear to be facing imminent danger any longer.'<sup>71</sup>
- 5.2.5 The August 2019 DFAT report noted 'Activists have suggested that arresting and charging the group on the grounds of drug possession rather than homosexuality – and using the RAB rather than regular police to do so – was an attempt by authorities to send a message to the LGBTI community that their activities were being monitored, while avoiding international pressure.'<sup>72</sup>

[Back to Contents](#)

### 5.3 Official discrimination and harassment

- 5.3.1 Human Rights Watch (HRW) stated in a press release of 26 April 2016 that 'In 2013, the country's National Human Rights Commission called on the government to protect sexual and gender minorities from discrimination. In a 2015 manual on sexual and gender minorities, the commission acknowledged that police physically and sexually assault LGBT people, and also arbitrarily arrest them based on their appearance.'<sup>73</sup> CPIT was unable to find a copy of this 'manual' on the [National Human Rights Commission](#) website.
- 5.3.2 A study based on 50 interviews with individuals from the LGBT community in Bangladesh, jointly conducted by GHRD and Boys of Bangladesh between

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<sup>63</sup> GHRD, 'The Invisible Minority...' (page 13), 2015, [url](#).

<sup>64</sup> Independent, 'Bangladesh authorities arrest 27 men on suspicion of being gay', 19 May 2017, [url](#).

<sup>65</sup> Independent, 'Bangladesh authorities arrest 27 men on suspicion of being gay', 19 May 2017, [url](#).

<sup>66</sup> Deutsche Welle, 'Bangladesh students arrested on suspicion of "being gay"', 19 May 2017, [url](#).

<sup>67</sup> The Hindu, 'Bangladesh arrests 29 gay men', 19 May 2017, [url](#).

<sup>68</sup> Human Rights Campaign, 'HRC Outraged at Bangladesh Arrests...', 22 May 2017, [url](#).

<sup>69</sup> HRW, 'Bangladesh "Gay Party" Raid Flouts Privacy Rights', 25 May 2017, [url](#).

<sup>70</sup> Home Office, 'FFM to Bangladesh' (para 7.3.2), September 2017, [url](#).

<sup>71</sup> Amnesty International, 'Bangladesh: 28 men suspected of being gay freed', 11 August 2017, [url](#).

<sup>72</sup> DFAT, 'Country Information Report Bangladesh' (para 3.133), 22 August 2019, [url](#).

<sup>73</sup> HRW, 'Bangladesh: Investigate LGBT murders', 26 April 2016, [url](#).

November 2013 and May 2014, found that ‘... the transgender community represented by Hijras were facing grave challenges in accessing justice as they were harassed by the police and some Hijra participants, who used to be sex workers, said they were also raped by the police.’<sup>74</sup> Some hijras claimed they were harassed by the police, who used the Section 377 of the Penal Code ‘as a tool for extortion’<sup>75</sup>.

- 5.3.3 A 2014 Needs Assessment Survey, conducted by Boys of Bangladesh and Roopban (a gay community magazine) among 571 self-identified LGB persons (89.1% of whom were male, likely middle class and living in large cities, such as Dhaka or Chittagong, with an average age of 25), found that 25% of respondents faced discrimination from law enforcers due to their sexual orientation<sup>76</sup>. According to the report, the relatively low number: ‘... can be explained by the [...] fact that the LGB individuals from the middle-class of the country are usually less visible than the lower/working classes of LGB individuals – “Historically we find that it is visibility in a public area that leads to a significant amount of violation of rights of individual. This visibility is codependent not on the sexuality of individual, but on the gender role that the individual plays out in public” [...] Hijras and kothis [effeminate men], therefore, are more prone to abuse and discrimination but in the tight-lipped, puritanistic middle-class of Bangladesh, discrimination due to sexual orientation may be comparatively low because talking openly about one’s sexuality is taboo...’<sup>77</sup>
- 5.3.4 During the Home Office FFM to Bangladesh in May 2017, a representative from Boys of Bangladesh stated that she ‘had not heard of any extreme cases of hijra being detained or beaten by the police.’<sup>78</sup> When asked how a gay man or lesbian would be treated by the police, an official at the National Human Rights Commission (NHRC) stated that if an LGBT person had to report a crime, they would not identify themselves as LGBT to the police. However, if they were identified, the NHRC official thought they might face custodial torture<sup>79</sup>. An official from the British High Commission in Dhaka felt that it was difficult to know if LGBT people were treated worse than anyone else because ‘everyone has a rough time with the police.’<sup>80</sup>
- 5.3.5 With regards to hijras, the group of lawyers the Home Office FFM spoke to noted that ‘The Government has no plans for them, there is no livelihood programme for them, as there is in India. Provision for them may not have been incorporated into the Constitution.’<sup>81</sup>
- 5.3.6 Amnesty International stated in August 2017 that:  
‘Harassment of LGBTI people by security forces is common in Bangladesh, and many LGBTI people have told Amnesty International that they are

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<sup>74</sup> GHRD, ‘The Invisible Minority...’ (pages 20-21), 2015, [url](#).

<sup>75</sup> GHRD, ‘The Invisible Minority...’ (pages 20-21), 2015, [url](#).

<sup>76</sup> Boys of Bangladesh, ‘Bangladesh LGB Needs Assessment ...’ (pages 14-15), March 2015, [url](#).

<sup>77</sup> Boys of Bangladesh, ‘Bangladesh LGB Needs Assessment ...’ (pages 14-15), March 2015, [url](#).

<sup>78</sup> Home Office, ‘FFM to Bangladesh’ (page 120), September 2017, [url](#).

<sup>79</sup> Home Office, ‘FFM to Bangladesh’ (page 89), September 2017, [url](#).

<sup>80</sup> Home Office, ‘FFM to Bangladesh’ (para 7.8.1, page 87), September 2017, [url](#).

<sup>81</sup> Home Office, ‘FFM to Bangladesh’ (page 79), September 2017, [url](#).

extremely hesitant to approach the police. Far from being offered protection, those who have reported abuses say that they are often harassed by police, told to be “less provocative” and even threatened with arrests and criminal charges for “unnatural offences” under Section 377 of the Penal Code.’<sup>82</sup>

- 5.3.7 The Office of the United Nations High Commissioner for Human Rights (OHCHR) published the summary of stakeholders’ submissions on Bangladesh for review at the May 2018 UN Human Rights Council and summarised that:

‘JS13 [Joint submission 13 submitted by: Article 19, England (United Kingdom); and Research Initiatives Bangladesh, Dhaka (Bangladesh)], JS12 [Joint submission 12 submitted by: Center for Social Activism (CSA), New York (United States of America); and Association for Progressive Communication (APC), Melville (South Africa)], JS11 [Joint submission 11 submitted by: Ain o Shalish Kendra (ASK) – Forum Secretariat; Acid Survivors Foundation (ASF); Association of Land Reforms and Development (ALRD); Bangladesh Adivasi Forum; Bangladesh Dalit and Excluded Rights Movement (BDERM); Bangladesh Institute of Labor Studies (BILS); Manusher Jonno Foundation (MJF); Nagorik Uddyog; Nijera Kori; and Transparency International Bangladesh (TIB), Dhaka (Bangladesh)], JS9 [Joint submission 9 submitted by: The Asian Pacific Resource & Research Centre for Women (ARROW), on behalf of Rights Here Right Now, Kuala Lumpur (Malaysia) and Sexual Rights Initiative (SRI), Geneva (Switzerland)], AI [Amnesty International], NHRC [National Human Rights Commission, Dhaka, Bangladesh], Roopbaan and Steps reported that LGBTI people are among the most marginalised groups in Bangladesh and face both state and non-state harassment and violence... Dozens of LGBT leaders, volunteers or people associated with civil society organisations leave Bangladesh or hide in fear of further attacks... JS13, JS11, JS9, NHRC, Roopbaan and Steps noted that that transgender identities or hijra continue to face discrimination despite being recognized as a third gender, while the rights of persons of diverse sexual orientations and gender identities is still not recognised and subjected to police arrests...’<sup>83</sup>

- 5.3.8 The USSD HR Report 2018 noted that ‘LGBTI groups reported police used the law as a pretext to harass LGBTI individuals, as well as those considered effeminate regardless of their sexual orientation, and to limit registration of LGBTI organizations. Some groups also reported harassment under a suspicious behavior provision of the police code [[Section 86 of the Dhaka Metropolitan Police Ordinance](#)].’<sup>84</sup> The USSD HR Report 2019 noted that some members of LGBTI communities faced harassment by the police<sup>85</sup>.
- 5.3.9 The ILGA report covering 2019 noted that ‘Intolerance and targeted violence against SOGI activists have sharply increased over the past years in Bangladesh, resulting in subdued efforts around organising and visibility, and the inevitable need for many LGBT folk to flee the country.’<sup>86</sup>

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<sup>82</sup> Amnesty International, ‘Bangladesh: 28 men suspected of being gay freed’, 11 August 2017, [url](#).

<sup>83</sup> OHCHR, ‘Summary of Stakeholders’ submissions on Bangladesh...’ (para. 12), 13 March 2018, [url](#)

<sup>84</sup> USSD, ‘Country Report on Human Rights Practices for 2018’ (page 40), 13 March 2019, [url](#).

<sup>85</sup> USSD, ‘Country Report on Human Rights Practices for 2019’ (Section 6), 11 March 2020, [url](#).

<sup>86</sup> ILGA, ‘State Sponsored Homophobia 2019’ (page 432), March 2019, [url](#).

- 5.3.10 The ODRI noted in its contribution to the UN Committee against Torture and Other cruel Inhuman or Degrading Treatment or Punishment's 67<sup>th</sup> Session held in the summer 2019 that 'There are also reports related to harassment by law enforcement agencies that detained arbitrarily transgender women and sex workers. Transgender persons that require gender legal recognition are subjected to medical teams that perform intrusive medical exams to prove their feminization or masculinization.'<sup>87</sup>
- 5.3.11 The DFAT report of August 2019 stated that police used the existence of the law 'as a means to harass men considered effeminate, regardless of their actual sexual orientation' and also threatened arrest under the law as leverage to extort bribes, whilst adding 'The level and frequency of harassment depends largely on an individual's socio-economic status and geographic location.'<sup>88</sup> DFAT assessed that 'LGBTI individuals face a moderate risk of official discrimination in that they are unlikely to be able to access state protection in the event of discrimination, threats, or attacks against them.'<sup>89</sup> DFAT also gave its assessment of hijras, noting 'although hijra have a more accepted place in Bangladeshi society than other LGBTI individuals do, they face a moderate risk of official discrimination in the form of bureaucratic uncertainty...'<sup>90</sup>

See [Implementation and enforcement of the law criminalising same-sex relations](#) and [Other legal provisions affecting LGBTI persons](#).

- 5.3.12 The DFAT report also noted 'In-country sources report that police have increasingly targeted "gay beats" (places where men meet for anonymous sex), which has reduced the prevalence of that practice. Gay men in general report that they are unable to seek police assistance when they are victims of crime given the likelihood that police will target them for violence or extortion.'<sup>91</sup>
- 5.3.13 The USSD HR Report 2018 noted that, in May 2018, an LGBTI rights activist 'expressed fear about organizing the LGBTI community in the country, as formal organization would require the disclosure to the government of LGBTI activists' identities, making them potential targets for government monitoring and harassment.'<sup>92</sup>

See also [LGBTI community and activists](#).

- 5.3.14 According to the 2018 and 2019 USSD HR Reports, 'LGBTI groups reported official discrimination in employment and occupation, housing, and access to government services.'<sup>93 94</sup>

See [Access to services](#).

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<sup>87</sup> ODRI, 'Contribution to the Committee against Torture...' (section c.), 24 June 2019, [url](#)

<sup>88</sup> DFAT, 'Country Information Report Bangladesh' (para 3.134), 22 August 2019, [url](#).

<sup>89</sup> DFAT, 'Country Information Report Bangladesh' (para 3.140), 22 August 2019, [url](#).

<sup>90</sup> DFAT, 'Country Information Report Bangladesh' (para 3.140), 22 August 2019, [url](#).

<sup>91</sup> DFAT, 'Country Information Report Bangladesh' (para 3.134), 22 August 2019, [url](#).

<sup>92</sup> USSD, 'Country Report on Human Rights Practices for 2018' (pages 17-18), 13 March 2019, [url](#).

<sup>93</sup> USSD, 'Country Report on Human Rights Practices for 2018' (page 41), 13 March 2019, [url](#).

<sup>94</sup> USSD, 'Country Report on Human Rights Practices for 2019' (Section 6), 11 March 2020, [url](#).

- 5.3.15 In its ‘Concluding observations on the initial report of Bangladesh’, dated August 2019, the UN Committee Against Torture (UNCAT) expressed its concern at reports of violence against LGBT persons by ‘private individuals and by law enforcement officials, which is facilitated by the State party’s criminalization of consensual same-sex sexual relations as “unnatural behaviour”.’<sup>95</sup>

[Back to Contents](#)

#### 5.4 Official response to reports of anti-LGBT violence

- 5.4.1 The Kaleidoscope Human Rights Foundation, Australia, noted in September 2016 ‘The Government does not conduct any programmes for the development of tolerance with respect to LGBTI women for either the public or professionals, including law enforcement officials. Statistics of hate crimes against LGBTI women, as well as other violations of the rights of this group of people and discrimination against them are not kept.’<sup>96</sup>
- 5.4.2 Following the murders of 2 gay rights activists, Xulhaz Mannan and Mahbub Tonoy, in Dhaka on 25 April 2016, a member of Roopban, Bangladesh’s first LGBT magazine told The Telegraph that ‘LGBT activists did not trust the police’, adding “‘We don’t believe in the police... I doubt whether seeking help will be of any use to us. Homosexuality is a punishable offence in Bangladesh and we don’t go to police, in order to avoid further harassment. Most LGBT activists have now gone into hiding. We have stopped chatting on social media, and switched off our phones, and changed the places where we stay. We are just doing this to survive”.’<sup>97</sup>
- 5.4.3 The Telegraph reported in April 2016 that the murdered activists were too scared to report the death threats they had received to the police for fear of retribution<sup>98</sup>. Xulhaz had also expressed concern about the safety of other gay activists<sup>99</sup>.
- 5.4.4 Reuters reported on 18 May 2016 that ‘Home Minister Asaduzzaman Khan said no one involved in the killings [of Xulhaz and Mahbub] would be spared...’ But the Minister also urged people to respect religious sensitivities, telling reporters “‘I request everyone to express views moderately. We have learned that Xulhaz was an editor of an LGBT magazine and used to work to protect the rights of gay people. It is not in line with our society”.’<sup>100</sup>
- 5.4.5 In May 2017, Amnesty International stated:  
‘One LGBTI activist, who was beaten by unknown men at Dhaka University in 2015, said: “After my attack I could have gone to police and reported it, but I did not go as it would make my situation more vulnerable. My attack would be newsworthy: an LGBT person got beaten up at Dhaka University - and they would note down my name and everything and ask me lots of questions: “why are you LGBT”, etc. People equate being LGBT as being

<sup>95</sup> UNCAT, ‘Concluding observations on the initial report ...’ (para 23), 26 August 2019, [url](#).

<sup>96</sup> Kaleidoscope Australia, ‘Parallel Report to the CEDAW’ (para 9.3), September 2016, [url](#).

<sup>97</sup> The Telegraph, ‘Murdered Bangladeshi gay activists were afraid ...’, 26 April 2016, [url](#).

<sup>98</sup> The Telegraph, ‘Murdered Bangladeshi gay activists were afraid ...’, 26 April 2016, [url](#).

<sup>99</sup> The Telegraph, ‘Murdered Bangladeshi gay activists were afraid ...’, 26 April 2016, [url](#).

<sup>100</sup> Reuters, ‘Militant attacks force Bangladesh’s gay community into hiding’, 18 May 2016, [url](#).

against our government. Police will beat you because you are gay. So why would you go to the police? It's a problem – we cannot approach the police with our problems".<sup>101</sup>

- 5.4.6 In January 2019, online news site, bdnews24, reported that the main suspect in the murders of Xulhaz and Mahbub had been arrested, bringing the total arrests to 4, 3 of whom had given confessional testimonies in court<sup>102</sup>. All suspects were members of Islamist groups<sup>103</sup>. In May 2019, Reuters reported that 8 people had murder charges against them, 4 of whom were in custody, whilst the police were searching for the others<sup>104</sup>.
- 5.4.7 During the Home Office FFM to Bangladesh in May 2017, 'several sources suggested that LGBT people would not feel that they could approach the police for protection. Boys of Bangladesh said there may be some exceptions to this, for instance someone from an influential family. However, members of the press noted that the police were obliged to take on a case, irrespective of the sexuality of the reporter of the crime; and the Bangladesh Legal Aid and Services Trust (BLAST) noted that there was "very little research on these issues".<sup>105</sup>
- 5.4.8 The representative of Boys of Bangladesh told the Home Office FFM that 'there was no police protection. When the murders of gay rights activists occurred she did not want to seek police protection herself as she felt she would have been at more risk if she admitted to working for a gay rights group. The representative said that lesbians would be unlikely to go the police for protection for fear of having "trumped up" charges made against them – especially due to police corruption – and to pursue a case would mean giving more and more money. They would feel they would not get protection; it would just be an additional problem to deal with.'<sup>106</sup>
- 5.4.9 The representative of the Bangladesh legal Aid and Services Trust (BLAST) told the Home Office FM that if a person was attacked because of their sexuality 'They would be able to seek protection in theory like any other person who is attacked; however their sexuality if known may inhibit the response they receive from law enforcing agencies or the judiciary, or even health providers.'<sup>107</sup>
- 5.4.10 The OHCHR published the summary of stakeholders' submissions on Bangladesh for review at the May 2018 UN Human Rights Council and summarised that:

'JS13 [Joint submission 13 submitted by: Article 19, England (United Kingdom); and Research Initiatives Bangladesh, Dhaka (Bangladesh)], JS11 [Joint submission 11 submitted by: Ain o Shalish Kendra (ASK) – Forum Secretariat; Acid Survivors Foundation (ASF); Association of Land Reforms and Development (ALRD); Bangladesh Adivasi Forum; Bangladesh Dalit and Excluded Rights Movement (BDERM); Bangladesh Institute of Labor Studies

<sup>101</sup> Amnesty International, 'Caught between fear and repression...' (page 24), 8 May 2017, [url](#).

<sup>102</sup> Bdnews24, 'Main suspect in Xulhaz-Tonoy murders caught, police say', 16 January 2019, [url](#).

<sup>103</sup> Bdnews24, 'Main suspect in Xulhaz-Tonoy murders caught, police say', 16 January 2019, [url](#).

<sup>104</sup> Reuters, 'Bangladesh charges eight over murder of LGBT+ activists', 13 May 2019, [url](#).

<sup>105</sup> Home Office, 'FFM to Bangladesh' (para 7.10.1), September 2017, [url](#).

<sup>106</sup> Home Office, 'FFM to Bangladesh' (page 119), September 2017, [url](#).

<sup>107</sup> Home Office, 'FFM to Bangladesh' (page 125), September 2017, [url](#).

(BILS); Manusher Jonno Foundation (MJF); Nagorik Uddyog; Nijera Kori; and Transparency International Bangladesh (TIB), Dhaka (Bangladesh)], JS9 [Joint submission 9 submitted by: The Asian Pacific Resource & Research Centre for Women (ARROW), on behalf of Rights Here Right Now, Kuala Lumpur (Malaysia) and Sexual Rights Initiative (SRI), Geneva (Switzerland)], AI [Amnesty International], NHRC [National Human Rights Commission, Dhaka, Bangladesh], Roopbaan and Steps... reported that police was unsuccessful in investigating the murders of LGBT persons and refused to provide protection to their events.<sup>108</sup>

- 5.4.11 The ILGA report covering 2019 noted that ‘Reports suggest that the levels of violence and threat from religious radicals that LGBT people have been exposed to have remained high, and the State has not offered protection.’<sup>109</sup> The same report further noted ‘In April 2017, the Human Rights Committee considered the initial report of Bangladesh on the ICCPR [International Covenant on Civil and Political Rights]. In its concluding observations, Bangladesh was urged to “... provide protection to lesbian, gay, bisexual and transgender persons from violence and harassment by ensuring that all cases are promptly investigated and that perpetrators are prosecuted and punished with appropriate sanctions...”’<sup>110</sup>

[Back to Contents](#)

## 5.5 Official views on sexual orientation and gender identity

- 5.5.1 In September 2014, Bangladesh Permanent Representative to the UN, Abdul Momen, told the Dhaka Tribune that the government opposed the International Conference on Population and Development’s (ICPD) recommendations for LGBT rights, stating that ‘It goes against our values and laws, and we cannot endorse it.’<sup>111</sup>
- 5.5.2 A joint report, dated November 2016, by ARC International in collaboration with the International Bar Association’s Human Rights Institute (IBAHRI) and the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), on how the Universal Periodic Review (UPR) has shaped the protection of the rights of LGBTI persons, noted a recommendation made by Bangladesh in 2008, describing it as hostile for the rights of LGBTI persons: ‘Bangladesh recommended that Tonga continue to criminalise same-sex relationships. In support of its recommendation, Bangladesh commented that ‘[t]he purpose of the UPR is not to impose the values of one society on another’ and that, “if the traditional society of Tonga does not permit consensual sex between two men or two women, one should refrain from imposing this on them, as it is outside the purview of universally accepted human rights norms”.’<sup>112</sup>
- 5.5.3 The ILGA report of March 2019 stated:  
‘While referencing “family values” at its 2nd cycle UPR [Universal Periodic Review] in April 2013, the Bangladeshi Minister for Foreign Affairs stated

<sup>108</sup> OHCHR, ‘Summary of Stakeholders’ submissions on Bangladesh...’ (para. 12), 13 March 2018, [url](#)

<sup>109</sup> ILGA, ‘State Sponsored Homophobia 2019’ (page 434), March 2019, [url](#).

<sup>110</sup> ILGA, ‘State Sponsored Homophobia 2019’ (page 434), March 2019, [url](#).

<sup>111</sup> Dhaka Tribune, ‘Bangladesh opposes ICPD’s LGBT rights move’, 14 September 2014, [url](#).

<sup>112</sup> ARC International, SOCIESC at the UPR (page 77), November 2016, [url](#).

that LGBT people should be protected from violence and discrimination in law. Bangladesh accepted a recommendation to carry out sensitisation training with public officials regarding SOGI discrimination at its 1st UPR, but this issue was not picked up at its 2nd cycle review, nor is there evidence that such sensitisation has significantly occurred.

‘During its 3rd cycle of the UPR carried out in May 2018, Bangladesh received 11 SOGIESC [sexual orientation and gender identity and expression, and sex characteristics] recommendations. It noted (functionally rejected) all of them [which included recommendations to abolish Section 377 and to take steps to protect LGBTI persons and activists against discrimination, threats and violence].’<sup>113</sup>

- 5.5.4 In its response to the recommendations made in the UPR in May 2018, the Government of Bangladesh stated ‘The issue of LGBTI rights is a religious, social, cultural, moral, ethical issue for Bangladesh. While dealing with this issue, the Government takes into account the views, aspirations, sentiments and religious belief of the majority of its people. The government is committed to ensure fulfilling the rights of all citizens of the country. We do not see it necessary to create new set of rights, which is not universally accepted as a right.’<sup>114</sup>
- 5.5.5 The ILGA report noted that ‘In response to the murders of the two LGBT activists in 2016, the Prime Minister Sheikh Hasina said that her government would not take responsibility for “untoward incidents” that befell people who expressed “objectionable opinions” and likened the activists’ writing to “porn”.’<sup>115</sup>
- 5.5.6 Referring to the 2016 murders, the DFAT report of August 2019 noted: ‘Officials commenting on the murders of the two men blamed the crime on Munnán’s activism: the Minister for Home Affairs, for example, declared that Munnán was “writing in favour of unnatural sex, which is tantamount to a criminal offence”.’<sup>116</sup>
- 5.5.7 The same source stated ‘Official attitudes towards the LGBTI community remain negative. Although the murders of Munnán [Xulhaz Mannan] and his friend were two of the most high-profile murder cases in Bangladesh, the case received almost no press coverage on the first anniversary of their deaths. An editor of a leading English language newspaper reportedly told activists that they had received official instruction not to publish articles on homosexuality.’<sup>117</sup>

[Back to Contents](#)

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<sup>113</sup> ILGA, ‘State Sponsored Homophobia 2019’ (pages 433-434), March 2019, [url](#).

<sup>114</sup> UNHRC, ‘Report of the Working Group on the UPR’ (para 3), 31 August 2018, [url](#).

<sup>115</sup> ILGA, ‘State Sponsored Homophobia 2019’ (page 433), March 2019, [url](#).

<sup>116</sup> DFAT, ‘Country Information Report Bangladesh’ (para 3.131), 22 August 2019, [url](#).

<sup>117</sup> DFAT, ‘Country Information Report Bangladesh’ (para 3.133), 22 August 2019, [url](#).

## 6. Societal norms

### 6.1 Overview

- 6.1.1 Writing in the East Asia Forum in March 2018, Inge Amundsen, a senior researcher with the Chr. Michelsen Institute, an independent development research institute based in Norway, noted:

‘What was once a fledgling lesbian, gay, bisexual and transgender (LGBT) community in the Bangladeshi capital of Dhaka is now destroyed. In 2014 and 2015 the Bangladeshi gay scene was cautiously becoming more open. [...] Islam is on the rise in Bangladesh. [...] Intolerant and extremist forms of Islam are also on the rise. [...] The ruling party, Awami League, is professedly secular. But [...] has toned down its secularism and become more ‘Islam friendly’. In a Muslim-majority country with a strong Islamic revivalist movement, the Awami League is fearful of losing support by offending Islamic sentiments. [...] Members of Bangladesh’s LGBT community regularly receive threatening messages via telephone, text and social media from various radical Islamist groups. Extremist groups like Basher Kella, Salaudliner Ghora and Hizb ut-Tahrir post extensively about the LGBT community online, calling on the people of Bangladesh to resist the “evil” of LGBT.

‘The situation is exacerbated by a strong, pre-existing social stigma against homosexuality in Bangladesh. Same-sex sexual activity is illegal under the Bangladeshi criminal code, and although the law is not systematically applied and no cases have led to legal proceedings or convictions, there is significant harassment, public exposure and stigmatisation of homosexuals by the police and the media. [...] The situation has forced non-governmental organisations in Bangladesh that advocate for LGBT rights to take a low profile. [See [State attitudes and treatment](#)]

‘There are no longer any ‘gay-friendly’ social meeting places like restaurants or bars in the capital, and individuals visiting known pick-up places risk becoming the targets of police harassment. The situation for LGBT people in Bangladesh has taken a turn for the worse over the last two years. Repeated threats, killings, mass arrests and continuous police harassment have shattered Dhaka’s fledgling LGBT community. People are hiding behind closed doors or have fled into exile, and the situation is unlikely to improve for the foreseeable future.’<sup>118</sup>

See [LGBTI community and activists](#).

- 6.1.2 The UK’s Foreign and Commonwealth Office (FCO) in its 2018 human rights report noted ‘Homosexuality remains illegal in Bangladesh, and LGBT campaigners have been targeted by extremists in the past and remain under pressure.’<sup>119</sup>.

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<sup>118</sup> East Asia Forum, ‘The ruins of Bangladesh’s LGBT community’, 23 March 2018, [url](#).

<sup>119</sup> FCO, ‘Human Rights and Democracy 2018’ (Chapter 5), 5 June 2019, [url](#).

- 6.1.3 Summarising SOGIESC issues and recommendations identified by NGOs and other stakeholders during Bangladesh’s 3rd UPR review in May 2018, ARC International noted that:

‘LGBTI people are among the most marginalised groups in Bangladesh and face both state and non-state harassment and violence. They recommended repealing and amending laws like Section 377 as Bangladesh noted this recommendation in its previous UPR... transgender identities or hijra continue to face discrimination despite being recognized as a third gender, while the rights of persons of diverse sexual orientations and gender identities is still not recognised and subjected to police arrests, as well as sexual and physical abuses. They reported that police was [sic] unsuccessful in investigating the murders of LGBT persons and refused to provide protection to their events. Dozens of LGBT leaders, volunteers or people associated with civil society organisations leave Bangladesh or hide in fear of further attacks.’<sup>120</sup>

- 6.1.4 DFAT noted in its August 2019 report:

‘The position of LGBTI individuals in Bangladesh contrasts and should not be confused with that of the hijra (male to female transgender individuals), who have a long recorded history in the Indian subcontinent. Many hijras live in well-defined and organised communities, which have sustained themselves over generations by “adopting” young boys who have been rejected by, or have fled, their family of origin. While they have an accepted role in Bangladeshi society, hijras remain marginalised. [...] Hijras are vulnerable to violence from both the community and law enforcement.’<sup>121</sup>

See also [State attitudes and treatment](#).

[Back to Contents](#)

## 6.2 Societal norms – gender and sexual identity

- 6.2.1 The Bandhu Social Welfare Society (Bandhu), in its 2010 annual report, described how ‘social obligations also include gender performance by the individuals in a manner that is socially acceptable’ and that ‘gender attracts specific kinds of reactions within Bangladeshi society.’ The source added that Bangladesh is a ‘conservative society’ and that ‘control of the woman’s sexuality forms an integral part of the male dominated set up.’<sup>122</sup>
- 6.2.2 For information on the general position of women in society, see the [Country Policy and Information Note on Bangladesh: Women fearing gender-based violence](#).
- 6.2.3 A 2011 article published in The Rice Thresher, observed that homosexuality ‘deviates from the cultural norm in Bangladesh.’ Interviewing ‘Sam’, a self-described bisexual living in Dhaka, the article noted that ‘male-male friendships are traditionally very intimate in Bangladesh’ and practices such as holding hands publicly, sharing a bed and going on trips with a man ‘cast no doubt upon... presumed heterosexual identities...’<sup>123</sup>

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<sup>120</sup> ARC International, ‘Bangladesh (3rd cycle)’, n.d., [url](#).

<sup>121</sup> DFAT, ‘Country Information Report Bangladesh’ (para 3.137), 22 August 2019, [url](#).

<sup>122</sup> Bandhu, ‘Annual Report 2010’, cited in CORI Country Report (page 166), March 2012, [url](#).

<sup>123</sup> The Rice Thresher, ‘Homophobic tendencies still abound in South Asia’, 10 February 2011, [url](#).

6.2.4 The 2015 OFPRA FFM Report stated:

‘Shakawat Hossain [of the LGBTI support group, Boys of Bangladesh] asserted that only educated Bangladeshi from privileged, westernised backgrounds use LGBTI terminology. A more frequently heard expression is “Men Having Sex with Men” (MSM), and, according to the same interlocutor, numbers of MSM do not consider themselves gay. The Bengali language also contains its own terms for lesbians, homosexuals and bisexuals. The word “kothi”, for example, is applied to effeminate men and has no pejorative connotations.’<sup>124</sup>

6.2.5 The GHRD 2015 report described the term Kothi as ‘... a Bangladeshi term used for effeminate men. The Kothi community consists of effeminate men who have sex with other men. The sexual relationship of person who identifies himself as a Kothi occurs in a heterosexual context, where the parties can adopt the dynamics of a heterosexual relationship. As such, gay men do not consider themselves as Kothis.’<sup>125</sup>

6.2.6 A Needs Assessment survey, conducted in 2014 by Boys of Bangladesh and Roopban (a gay community magazine) among 571 self-identified LGB persons, stated that ‘non-normative gender and sexual behavior is considered immoral and sinful.’<sup>126</sup> More than 50% of respondents said they lived in constant fear of their sexual orientation being found out<sup>127</sup>.

6.2.7 The same source noted:

‘... LGB individuals from the middle-class of the country are usually less visible than the lower/working classes of LGB individuals – “Historically we find that it is visibility in a public area that leads to a significant amount of violation of rights of individual. This visibility is codependent not on the sexuality of individual, but on the gender role that the individual plays out in public” [...] Hijras and kothis [effeminate men], therefore, are more prone to abuse and discrimination but in the tight-lipped, puritanistic middle-class of Bangladesh, discrimination due to sexual orientation may be comparatively low because talking openly about one’s sexuality is taboo...’<sup>128</sup>

6.2.8 Several sources consulted during the Home Office FFM to Bangladesh in May 2017 maintained that LGB people were unable to be open about their sexuality<sup>129</sup>. Journalists added that being gay was viewed as socially unacceptable<sup>130</sup>. An official at the National Human Rights Commission (NHRC) said that some people may be able to ‘come out’ to close family and friends, particularly in upper-middle class families whilst also noting that ‘in others, LGBT persons may be thrown out.’<sup>131</sup> [see [Family treatment](#)]. Boys of Bangladesh noted that the rise in social media, and an unfriendly media, had led to an increase in hatred against LGBT people, and considered that

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<sup>124</sup> OFPRA, ‘Report on the mission to the People’s Republic of Bangladesh’ (page 41), June 2015, [url](#).

<sup>125</sup> GHRD, ‘The Invisible Minority...’ (page 8), 2015, [url](#).

<sup>126</sup> Boys of Bangladesh, ‘Bangladesh LGB Needs Assessment ...’ (page 4), March 2015, [url](#).

<sup>127</sup> Boys of Bangladesh, ‘Bangladesh LGB Needs Assessment ...’ (page 11), March 2015, [url](#).

<sup>128</sup> Boys of Bangladesh, ‘Bangladesh LGB Needs Assessment ...’ (pages 14-15), March 2015, [url](#).

<sup>129</sup> Home Office, ‘FFM to Bangladesh’ (paras 7.2.1, 7.9.1, pages 74, 88, 118), September 2017, [url](#).

<sup>130</sup> Home Office, ‘FFM to Bangladesh’ (page 74), September 2017, [url](#).

<sup>131</sup> Home Office, ‘FFM to Bangladesh’ (page 88), September 2017, [url](#).

discrimination against the LGBT community was greater in urban areas as society were more aware of differences<sup>132</sup>.

- 6.2.9 DFAT noted in its August 2019 report ‘Male homosexuality remains a strong societal taboo, while there is a general lack of societal awareness of lesbianism. Human rights observers report that the overwhelming majority of gay or lesbian Bangladeshis prefer to keep their sexual orientation or gender identity a private matter.’<sup>133</sup> In its assessment, DFAT stated ‘... it would be extremely difficult in practice to live in a publicly acknowledged homosexual relationship for members of either sex.’<sup>134</sup>

[Back to Contents](#)

### 6.3 Societal norms – marriage

- 6.3.1 In its 2010 Annual Report, the Bandhu Social Welfare Society (Bandhu), observed that marriage was a ‘social institution and norm’ in Bangladesh. It continued that gay men, compared with lesbians or hijras, were ‘relatively better placed to resist marriage pressures from their families simply because the class structure they come from and their individual economic standing gives them the privilege of acting in an individualistic manner more assertively than a kothi [effeminate men], and therefore being better placed to resist the pressures of marriage from family and society. Of the entire cohort, the gay men proportionately were most likely to be open about their sexual identity towards their family. Families and society would make adjustments with individuals to allow same-sex sexual activities as long as social obligations like marriage were conformed to adding ‘when the male child of a family decides to join the “hijra” community it is a matter of shame for the family. Not getting a “hijra” person married off is something that the family understands, and grudgingly accepts.’<sup>135</sup>
- 6.3.2 Bandhu has reported that the law was ‘used by social institutions including families to harass [LGBT persons] and compel them into heterosexual marriages.’<sup>136</sup> The Refugee Coordinator of Amnesty International in Toronto, in correspondence with the Immigration and Refugee Board of Canada (IRB) in March 2010, ‘...indicated that it is generally unsafe for gay men in Bangladesh to publicly reveal their sexual orientation, and they frequently marry persons of the opposite gender to give the appearance of heterosexuality. She reported that homosexuals whose sexual orientation is known encounter discrimination and ostracism; in addition, social barriers and stigma result in many of them being unable to obtain employment and being reduced to prostitution.’<sup>137</sup>
- 6.3.3 An article by Rainer Ebert, philosophy doctoral student, and Mahmudul Hoque Moni, University of Dhaka, dated February 2011, published in the Rice Thresher, the official campus newspaper of Rice University, Texas,

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<sup>132</sup> Home Office, ‘FFM to Bangladesh’ (pages 118-119), September 2017, [url](#).

<sup>133</sup> DFAT, ‘Country Information Report Bangladesh’ (para 3.129), 22 August 2019, [url](#).

<sup>134</sup> DFAT, ‘Country Information Report Bangladesh’ (para 3.129), 22 August 2019, [url](#).

<sup>135</sup> Bandhu, ‘Annual Report 2010’, cited in CORI Country Report (pages 166-167), March 2012, [url](#).

<sup>136</sup> Bandhu, ‘Annual Report 2010’, cited in CORI Country Report (page 164), March 2012, [url](#).

<sup>137</sup> IRB, ‘Bangladesh: Treatment of homosexuals including legislation...’, 19 July 2010, [url](#).

noted, 'Some gay men who inform their families about their sexual orientation are forced into heterosexual marriages.'<sup>138</sup>

- 6.3.4 FHI 360, an NGO, noted in 2013 study on gender-based violence against men who have sex with men (MSM – defined for the study as all men who have sex with other men, regardless of how they identify themselves (gay, bisexual, or heterosexual)) that 'The emphasis on masculine gender roles, and the expectation of heterosexual marriage, in this context means that many Bangladeshi MSM also have female sexual partners as a means to be culturally masculine, and may feel shame for their homosexual feeling.'<sup>139</sup>
- 6.3.5 The late gay rights activist Xulhaz Mannan was quoted by the Kaleidoscope Trust in 2015 as saying, 'Even in some more conservative regions homosexual acts between teenage boys is seen as the "safer" way of exploring sexuality; so as long as they get married in their adulthood, no one cares much. However, it's a closet! The moment someone decides to leave that they'll be ostracized by family, friends and society.'<sup>140</sup>
- 6.3.6 The 2014 Needs Assessment Survey by Boys of Bangladesh found that 56.9% of the 571 respondents said that they would continue same-sex relationships even after entering a heterosexual marriage although 85.1% admitted that they would not or have not told their spouses about their sexual orientation<sup>141</sup>.
- 6.3.7 The Kaleidoscope Human Rights Foundation, Australia, noted in September 2016, '[...] lesbians may be forced into heterosexual marriages after having repeatedly refused to wed [...] It is reported that lesbian women must resort to subterfuge in order to delay matters, claiming that they need to continue studying or wish to pay for their weddings themselves so that their families are not burdened with the expense involved. Lesbian women may be regarded as "asexual" [...].'<sup>142</sup>
- 6.3.8 Sources consulted during the Home Office FFM to Bangladesh in May 2017 observed there was particular pressure on women to marry by about the age of 30, although the average age is 23 in urban areas and 16-17 in rural areas<sup>143</sup>. Two sources suggested that lesbians may be forced into marriage<sup>144</sup>. The same two sources also noted that men who have sex with men (MSM) were tolerated if they marry and bear children<sup>145</sup>.
- 6.3.9 Whilst not dealing specifically with LGBT issues, Ain o Salish Kendra (ASK), a national legal aid and human rights organisation, stated with regards to single women:

'There are big problems with the social acceptance of single women, even for educated women who are working. There are also financial constraints.

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<sup>138</sup> The Rice Thresher, 'Homophobic tendencies still abound in South Asia', 10 February 2011, [url](#).

<sup>139</sup> FHI 360, 'Exploring Gender Based Violence ...' (page 11), April 2013, [url](#).

<sup>140</sup> Kaleidoscope Trust, 'Speaking Out 2015...', (page 40), 2015, [url](#).

<sup>141</sup> Boys of Bangladesh, 'Bangladesh LGB Needs Assessment ...' (page 14), March 2015, [url](#).

<sup>142</sup> Kaleidoscope Australia, 'Parallel Report to the CEDAW' (paras 10.5-10.6), September 2016, [url](#).

<sup>143</sup> Home Office, 'FFM to Bangladesh' (para 7.2.2), September 2017, [url](#).

<sup>144</sup> Home Office, 'FFM to Bangladesh' (para 7.2.2), September 2017, [url](#).

<sup>145</sup> Home Office, 'FFM to Bangladesh' (para 7.6.2), September 2017, [url](#).

To live without male support is almost impossible. Bangladesh is a very family-orientated society [...] It is difficult for single women to rent a place to live in Dhaka or anywhere since society does not accept this and the state fails to assure security. It turns out to be a great obstacle towards single potential women's empowerment [...] Single woman living alone are often called Bhabi which means 'sister-in-law'. It is for their protection and also suggests they are unfamiliar with or unaccustomed to being with a single woman.<sup>146</sup>

6.3.10 The representative of the National Human Rights Commission Bangladesh told the Home Office FM that 'It would not be easy for a young single woman to relocate or live alone without a good family support base. It would not be usual or seen as normal for a woman to live alone. Some professional affluent women might be able to do this but would still face harassment – even older single women. Renting a property alone would be difficult. Employment would be accessible to single women but mostly available to those from middle classes with access to family support. Single women from poor backgrounds would be destitute. Marriage is seen as the main source of social acceptance.'<sup>147</sup>

6.3.11 DFAT noted in its August 2019 report:

'There is considerable familial and societal pressure on both gay men and lesbians to enter into heterosexual marriages and have children. The male partner in Bangladeshi marriages generally exercises considerable social control and "protection" over the female partner, which restricts the ability of lesbians in such relationships to make contact with other women. This is particularly the case given women in Bangladesh tend to marry at a young age, and their husbands tend to be older than they are.'<sup>148</sup>

For information on the general position of women in society, see the [Country Policy and Information Note on Bangladesh: Women fearing gender-based violence](#).

[Back to Contents](#)

## 6.4 Pro-LGBT marches/gay pride

6.4.1 The Daily Star (of Bangladesh) reported on Hijra Pride 2014, in commemoration of hijras being recognised as a third gender in 2013<sup>149</sup>. A series of events in November 2014, at divisional and central level, were organised by the Bandhu Social Welfare Society, along with the Ministry of Social Welfare and UNAIDS<sup>150</sup>.

6.4.2 Referring to a pride event in 2015, the USSD HR Report 2015 stated 'Some public events, such as a rainbow-themed march during the capital's main

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<sup>146</sup> Home Office, 'FFM to Bangladesh' (page 66), September 2017, [url](#).

<sup>147</sup> Home Office, 'FFM to Bangladesh' (page 90), September 2017, [url](#).

<sup>148</sup> DFAT, 'Country Information Report Bangladesh' (para 3.129), 22 August 2019, [url](#).

<sup>149</sup> Daily Star, 'Celebration of the third gender', 1 September 2015, [url](#).

<sup>150</sup> Bandhu, 'Hijra Pride 2014', 29 December 2014, [url](#).

Bengali new year's celebration, elicited little reaction from mainstream society.<sup>151</sup>

- 6.4.3 However, the police denied permission for the annual event, the 'Rainbow Rally' to be held in April 2016, due to security fears following threats from Islamist groups and clerics<sup>152</sup>. The rally, which promotes LGBT rights, had been held in Dhaka alongside Bengali New Year celebrations in 2014 and 2015<sup>153</sup>. The event organisers agreed to cancel the event<sup>154</sup>. According to reports, four LGBT campaigners were arrested whilst taking part in a traditional procession to celebrate the Bengali New Year in April 2016<sup>155</sup>. According to police, the four were held after attempting to hold the Rainbow Rally after permission for that event was denied<sup>156</sup>. CPIT was not aware of further 'pride' marches taking place.
- 6.4.4 An official from the British High Commission in Dhaka told the Home Office FFM in May 2017 that 'There is no Gay Pride celebration in Bangladesh.'<sup>157</sup>
- See also [State treatment and attitudes](#).

[Back to Contents](#)

Section 7 updated: 24 March 2020

## 7. Societal treatment, violence and discrimination

### 7.1 Overview

- 7.1.1 Participants in a study based on 50 interviews with individuals from the LGBT community, jointly conducted by GHRD and Boys of Bangladesh (a support group for the LGBTI community) between November 2013 and May 2014, said that when they were subjected to violence based on their sexual orientation they did not report the incidents to the police due to a fear of having to reveal their sexual orientation. The report further noted that 'The stigma and discrimination faced by the LGBT community results in isolation and a lack of support from family and social structures as well as institutionalised discrimination in access to justice and public spaces.'<sup>158</sup>. (see also [Societal norms](#), [Societal treatment, violence and discrimination](#) and [State attitudes and treatment](#)).
- 7.1.2 A 2014 survey conducted by Boys of Bangladesh and Roopban (a gay community magazine) among 571 self-identified LGB persons found that 41% of respondents faced discrimination due to their sexual orientation, mostly from friends or classmates, but also from teachers, colleagues and employers<sup>159</sup>. The report explained the relatively low figure may be because talking about sexuality was taboo<sup>160</sup>.

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<sup>151</sup> USSD, 'Country Report on Human Rights Practices for 2015' (Section 6), 13 April 2016, [url](#).

<sup>152</sup> Agence France Presse, 'Bangladesh "rainbow rally" cancelled over permit', 13 April 2016, [url](#).

<sup>153</sup> Agence France Presse, 'Bangladesh "rainbow rally" cancelled over permit', 13 April 2016, [url](#).

<sup>154</sup> Agence France Presse, 'Bangladesh "rainbow rally" cancelled over permit', 13 April 2016, [url](#).

<sup>155</sup> Erasing 76 Crimes, 'Four arrests of LGBT activists at Bangladesh celebration', 14 April 2016, [url](#).

<sup>156</sup> Erasing 76 Crimes, 'Four arrests of LGBT activists at Bangladesh celebration', 14 April 2016, [url](#).

<sup>157</sup> Home Office, 'FFM to Bangladesh' (page 52), September 2017, [url](#).

<sup>158</sup> GHRD, 'The Invisible Minority...' (page 20), 2015, [url](#).

<sup>159</sup> Boys of Bangladesh, 'Bangladesh LGB Needs Assessment ...' (page 14), March 2015, [url](#).

<sup>160</sup> Boys of Bangladesh, 'Bangladesh LGB Needs Assessment ...' (page 15), March 2015, [url](#).

- 7.1.3 Findings in the same survey added ‘When asked about the different kinds of harassment faced by the respondents, they mentioned bullying (39.9%), blackmail (36.6%), physical assault (25.8 %), and sexual violence (9.8%).’<sup>161</sup>
- 7.1.4 According to the same survey, over half of respondents were not aware of the law that criminalises same-sex activities<sup>162</sup>. 75.5% said that they did not know where to get legal support, 60.8% said they had never sought legal support, and 68.8% said that they did not have access to legal support<sup>163</sup>.
- 7.1.5 In April 2016, Human Rights Watch (HRW) reported they had interviewed LGBT people in Bangladesh in recent months and found that they:  
 ‘[...] faced threats of violence, particularly after homophobic public comments by Islamic leaders. Activists working on gender and sexuality said that to ensure their personal safety, they conceal their identities and constrain their work. Those who were exposed in the media and public spaces felt particularly vulnerable.... In recent years, LGBT people in Bangladesh have also been targeted with extremist rhetoric. For example... in November 2015, when activists began publishing a cartoon series featuring a lesbian character, religious groups issued hateful anti-LGBT statements, calling on the government to prosecute LGBT people under section 377 and Sharia (Islamic Law).’<sup>164</sup>
- 7.1.6 A source consulted during the Home Office FFM opined that journalists who published information on LGBT or secular issues received threats from Islamist groups and added that the government does not recognise LGBT issues<sup>165</sup>.
- 7.1.7 In May 2017, Amnesty International reported ‘... the murder of the well-known LGBTI activist Xulhaz Mannan on 25 April 2016 has had a profound impact on many LGBTI people in Bangladesh. [...] Dozens of LGBTI activists have been forced underground into hiding or fled the country.  
 “We are all in hiding after the killing [of Xulhaz Mannan]. We are very scared to go out or to report any threats,” said Mahfuz (pseudonym), a 20-year-old LGBTI man. Mahfuz says that he used to be active on social media forums but has since April 2016 barely left his home. He has had to leave his university studies and is trying to leave Bangladesh where he doesn’t feel safe. Another LGBTI activist, who fled to a European country in 2016 after he was threatened, said: “There is a lot of danger, and this is stopping the entire movement which is now going backwards. We had been progressing for four or five years and now it’s all going back”.’<sup>166</sup>
- 7.1.8 The OHCHR published the summary of stakeholders’ submissions on Bangladesh for review at the May 2018 UN Human Rights Council and summarised that:  
 ‘JS13 [Joint submission 13 submitted by: Article 19, England (United Kingdom); and Research Initiatives Bangladesh, Dhaka (Bangladesh)], JS12

<sup>161</sup> Boys of Bangladesh, ‘Bangladesh LGB Needs Assessment ...’ (page 16), March 2015, [url](#).

<sup>162</sup> Boys of Bangladesh, ‘Bangladesh LGB Needs Assessment ...’ (page 16), March 2015, [url](#).

<sup>163</sup> Boys of Bangladesh, ‘Bangladesh LGB Needs Assessment ...’ (page 16), March 2015, [url](#).

<sup>164</sup> HRW, ‘Bangladesh: Investigate LGBT murders’, 26 April 2016, [url](#).

<sup>165</sup> Home Office, ‘FFM to Bangladesh’ (page 54), September 2017, [url](#).

<sup>166</sup> Amnesty International, ‘Caught between fear and repression...’ (page 19), 8 May 2017, [url](#).

[Joint submission 12 submitted by: Center for Social Activism (CSA), New York (United States of America); and Association for Progressive Communication (APC), Melville (South Africa)], JS11 [Joint submission 11 submitted by: Ain o Shalish Kendra (ASK) – Forum Secretariat; Acid Survivors Foundation (ASF); Association of Land Reforms and Development (ALRD); Bangladesh Adivasi Forum; Bangladesh Dalit and Excluded Rights Movement (BDERM); Bangladesh Institute of Labor Studies (BILS); Manusher Jonno Foundation (MJF); Nagorik Uddyog; Nijera Kori; and Transparency International Bangladesh (TIB), Dhaka (Bangladesh)], JS9 [Joint submission 9 submitted by: The Asian Pacific Resource & Research Centre for Women (ARROW), on behalf of Rights Here Right Now, Kuala Lumpur (Malaysia) and Sexual Rights Initiative (SRI), Geneva (Switzerland)], AI [Amnesty International], NHRC [National Human Rights Commission, Dhaka, Bangladesh], Roopbaan and Steps reported that LGBTI people are among the most marginalised groups in Bangladesh and face both state and non-state harassment and violence... Dozens of LGBT leaders, volunteers or people associated with civil society organisations leave Bangladesh or hide in fear of further attacks.<sup>167</sup>

- 7.1.9 According to the 2018 and 2019 USSD HR Reports, LGBTI persons ‘... received threatening messages via telephone, text, and social media...’<sup>168</sup>  
<sup>169</sup> The USSD HR Report 2019 also noted ‘LGBTI writers and bloggers reported they continued to receive death threats from violent extremist organizations.’<sup>170</sup> Freedom House, in its 2019 and 2020 Freedom in the World reports, noted that ‘...societal discrimination [against LGBT persons] remains the norm, and dozens of attacks on LGBT+ individuals are reported every year.’<sup>171 172</sup>

See also [LGBTI community and activists](#).

- 7.1.10 In its ‘Concluding observations on the initial report of Bangladesh’, dated August 2019, the UN Committee Against Torture (UNCAT) expressed its concern at reports of violence against LGBT persons by ‘private individuals and by law enforcement officials, which is facilitated by the State party’s criminalization of consensual same-sex sexual relations as “unnatural behaviour”.’<sup>173</sup>

See also [State attitudes and treatment](#).

- 7.1.11 In its assessment of LGBTI persons, DFAT considered, in its August 2019 report, that most LGBTI persons, regardless of their geographic location or socio-economic status, would be very unlikely to be open about their sexuality or gender identity, to reduce the risk of societal discrimination, including physical violence<sup>174</sup>.

<sup>167</sup> OCHCR, ‘Summary of Stakeholders’ submissions on Bangladesh...’ (para. 12), 13 March 2018, [url](#)

<sup>168</sup> USSD, ‘Country Report on Human Rights Practices for 2018’ (page 40), 13 March 2019, [url](#).

<sup>169</sup> USSD, ‘Country Report on Human Rights Practices for 2019’ (Section 6), 11 March 2020, [url](#).

<sup>170</sup> USSD, ‘Country Report on Human Rights Practices for 2019’ (Section 2A), 11 March 2020, [url](#).

<sup>171</sup> Freedom House, ‘Freedom in the World 2019 – Bangladesh’, (Section F4), 4 February 2019, [url](#).

<sup>172</sup> Freedom House, ‘Freedom in the World 2020 – Bangladesh’ (Section F4), 4 March 2020, [url](#).

<sup>173</sup> UNCAT, ‘Concluding observations on the initial report ...’ (para 23), 26 August 2019, [url](#).

<sup>174</sup> DFAT, ‘Country Information Report Bangladesh’ (para 3.140), 22 August 2019, [url](#).

## 7.2 Discrimination and violence against gay and bisexual men

- 7.2.1 ILGA noted in its 2017 report that ‘In February 2015 Avijit Roy, the author of Bangladesh’s first scientific book (2010) on same-sex sexual identity, was savagely murdered on the streets of Dhaka, seemingly by religious fundamentalists.’<sup>175</sup>
- 7.2.2 As reported by bdnews24 in August 2016, gay rights activists Xulhaz Mannan and Mahbub Rabbi Tonoy were murdered on 25 April 2016 in a machete attack by a gang of assailants who, posing as delivery men, entered Xulhaz’s apartment building in Dhaka. Xulhaz was a USAID official and editor of Bangladesh’s first LGBT magazine Roopban. Al-Qaeda in the Indian Subcontinent (AQIS) claimed responsibility; a Twitter post by Mufti Abdullah Ashraf, spokesperson for Ansar Al Islam, AQIS’s chapter in Bangladesh, claimed the two men were killed for being ‘pioneers of practicing and promoting homosexuality in Bangladesh.’<sup>176</sup>
- 7.2.3 Bdnews24 added that police had identified 5 men whom they suspected of being involved in the killings and were making efforts to find and arrest them. A sixth man, who was suspected of supplying the weapons used and was said to be a member of the Islamic extremist group Ansarullah Bangla Team (ABT)<sup>177</sup>, was arrested in May 2016, said BBC News<sup>178</sup>.
- For further information on arrests relating to the murders see [Official response to reports of anti-LGBT violence](#).
- 7.2.4 Following the 25 April 2016 murders, Reuters interviewed 8 members of Bangladesh’s LGBT community and found that, out of fear of further attacks, ‘... some people had scrubbed Facebook pictures that hinted at same-sex relationships or de-activated profiles altogether. Several had gone into hiding in safe houses in Dhaka arranged by local and foreign friends, while others fled to the countryside, considering it safer than the teeming capital.’<sup>179</sup>
- 7.2.5 The representative of Boys of Bangladesh told the Home Office FFM that ‘the risk for gay rights activists was higher than for ordinary gay men and lesbians as they are more in the public eye. Now many would not want to come forward and be in the public. After the gay activist murders many other activists faced problems at home. They themselves were seen as gay because they worked with the murdered activists. Higher visibility means higher risk.’<sup>180</sup>
- 7.2.6 DFAT noted in its August 2019 report ‘Following the Munnann [2016 murder] case, several gay men – both activists and non-activists – reported receiving threats of violence... DFAT is unaware of any further high-profile attacks committed against LGBTI individuals. This is more likely, however, to reflect

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<sup>175</sup> ILGA, ‘State Sponsored Homophobia 2017’ (page 122), May 2017, [url](#).

<sup>176</sup> Bdnews24.com, ‘Five identified’ in Xulhaz, Tonoy killing’, 6 August 2016, [url](#).

<sup>177</sup> Bdnews24.com, ‘Five identified’ in Xulhaz, Tonoy killing’, 6 August 2016, [url](#).

<sup>178</sup> BBC News, ‘Bangladesh: Man held over murders of LGBT activists’, 15 May 2016, [url](#).

<sup>179</sup> Reuters, ‘Militant attacks force Bangladesh’s gay community into hiding’, 18 May 2016, [url](#).

<sup>180</sup> Home Office, ‘FFM to Bangladesh’ (page 119), September 2017, [url](#).

the fact that the community continues to keep a very low profile, rather than being the result of greater social support towards them.’<sup>181</sup>

See also [LGBTI community and activists](#).

[Back to Contents](#)

### 7.3 Discrimination and violence against lesbians and bisexual women

7.3.1 The position of lesbian and bisexual women should also be viewed in the context of the general position of women in Bangladeshi society: see the [Country Policy and Information Note on Bangladesh: Women fearing gender-based violence](#).

7.3.2 A 2012 research report commissioned by the feminist human rights group, CREA, based in New Delhi, on violence against disabled, lesbian, and sex-working women in Bangladesh, India, and Nepal, found that ‘Accessing lesbian women for this research in Bangladesh was particularly difficult due to extreme social stigma and fear of disclosure.’ Therefore only 10 in-depth interviews with lesbian women were conducted so the findings should be read with caution<sup>182</sup>.

7.3.3 The report noted ‘All the respondents mentioned that society exerts immense pressure on them to get married. On resisting, some experienced violence from their family members. Most of them reported that beatings from immediate family members were common when they refused to marry, or were suspected to be in same-sex relationships.’ Physical and emotional violence from those respondents who had been in heterosexual relationships was reported, although it was not clear whether this was because of the woman’s sexual orientation. Physical violence from same-sex intimate partners was also reported<sup>183</sup>.

7.3.4 The research report further found that:

‘Most of the women interviewed did not disclose their same-sex relationships to anyone outside of their own community, due to fear of being outcast, rejected, and stigmatised. There was already immense pressure on them to conform, and many feared the consequences and stigma of coming out. As a result, many loved in secrecy, not being able to share their feelings and desires openly; some waited for the opportunity to be reunited with their lovers; and some spoke of having to live a dual life, not being able to share their relationships with anyone.’<sup>184</sup>

7.3.5 The UNHRC noted in 2013 ‘... homosexuality is harshly stigmatized in Bangladeshi society and lesbians are often subjected to intimidation and ill-treatment and forced by their families to marry men.’<sup>185</sup>

See [Societal norms – marriage](#).

7.3.6 A report by A. Hossain of IBAIS University, Bangladesh, published in June 2016, covering domestic violence against women in the rural areas of

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<sup>181</sup> DFAT, ‘Country Information Report Bangladesh’ (para 3.132), 22 August 2019, [url](#).

<sup>182</sup> CREA, ‘Count Me In! research report...’ (pages 91-92), 2012, [url](#).

<sup>183</sup> CREA, ‘Count Me In! research report...’ (pages 91-92), 2012, [url](#).

<sup>184</sup> CREA, ‘Count Me In! research report...’ (page 93), 2012, [url](#).

<sup>185</sup> UNHRC, ‘Communication no. 2149/2012...’ (paragraph 7.2), 26 September 2013, [url](#).

Bangladesh, quoted as follows from a book published in 2013 by R.T. Naved:

‘Sexuality is maintained through strict constraint imposed by cultural norm. The community, which can include religious institution[s], media, family and cultural network, regulates women’s sexuality and punishes women who do not comply. Such women include lesbians, who appear masculine; who try to exercise their rights; and who challenge male dominance and who are perceived to be lesbian; experience abuses by state authorities in prisons, by the police, as well as private actors. Numerous cases document young lesbians being beaten, raped, impregnated or married, and attacked by family members to punish [their] sexual identity.’<sup>186</sup>

- 7.3.7 The Kaleidoscope Human Rights Foundation, Australia, noted in September 2016, ‘Statistics of hate crimes against LGBTI women, as well as other violations of the rights of this group of people and discrimination against them are not kept. While there is no official recorded information of incidences of violence against LGBTI women, it is incontrovertible that such women are at a particularly high risk of gender-based violence, exacerbated by their sexual or gender identity.’<sup>187</sup>
- 7.3.8 The same source noted ‘The Bangladeshi government has also not taken any measures to monitor discrimination against LGBTI women in employment nor to provide any assistance to women who have been discriminated on the basis of their sexual orientation, gender identity or intersex status.’<sup>188</sup>
- 7.3.9 The representative of the National Human Rights Commission Bangladesh told the Home Office FFM that ‘if a lesbian came out to her family she would most likely be forced to have a heterosexual marriage. It is something that happens all the time.’<sup>189</sup>
- 7.3.10 DFAT noted in its August 2019 report that it was not aware of any cases of physical attacks or discrimination against lesbians on the basis of their sexual identity. However, the report qualified this by adding ‘The general lack of societal awareness about lesbianism leads to social invisibility, and information about lesbians in Bangladesh is difficult to obtain. Lesbians are unlikely to be open about their sexual identity, as doing so would make them highly vulnerable to societal violence, including physical attack.’<sup>190</sup>

[Back to Contents](#)

## 7.4 Discrimination and violence against hijras

- 7.4.1 Sources consulted during the Home Office FFM to Bangladesh in May 2017 noted that hijras were often seen as a public nuisance or outcasts<sup>191</sup>. An official at the National Human Rights Commission (NHRC) said that they were viewed as charity cases and that some allowances were made towards

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<sup>186</sup> Hossain, A., ‘The Impact of Domestic Violence on Women...’, (page 4), 17 June 2016, [url](#).

<sup>187</sup> Kaleidoscope Australia, ‘Parallel Report to the CEDAW’ (para 9.3), September 2016, [url](#).

<sup>188</sup> Kaleidoscope Australia, ‘Parallel Report to the CEDAW’ (para 8.4), September 2016, [url](#).

<sup>189</sup> Home Office, ‘FFM to Bangladesh’ (page 88), September 2017, [url](#).

<sup>190</sup> DFAT, ‘Country Information Report Bangladesh’ (para 3.135), 22 August 2019, [url](#).

<sup>191</sup> Home Office, ‘FFM to Bangladesh’ (para 7.4.3), September 2017, [url](#).

them by society<sup>192</sup>. The LGBT rights group, Boys of Bangladesh, said hijras find it hard to get jobs and that many organisations were working with them<sup>193</sup>. Members of the press claimed that there was Government assistance for hijras<sup>194</sup>.

7.4.2 The Bandhu Social Welfare Society noted, in its 2018 Annual Report, ‘The hijra subculture in Bangladesh remains one of the most marginalized and violated minority groups in Bangladesh,’ adding that members of the hijra community ‘face domination, discrimination, violence and abuse.’<sup>195</sup>

7.4.3 The OHCHR published the summary of stakeholders’ submissions on Bangladesh for review at the May 2018 UN Human Rights Council and summarised that:

‘JS13 [Joint submission 13 submitted by: Article 19, England (United Kingdom); and Research Initiatives Bangladesh, Dhaka (Bangladesh)], JS11 [Joint submission 11 submitted by: Ain o Shalish Kendra (ASK) – Forum Secretariat; Acid Survivors Foundation (ASF); Association of Land Reforms and Development (ALRD); Bangladesh Adivasi Forum; Bangladesh Dalit and Excluded Rights Movement (BDERM); Bangladesh Institute of Labor Studies (BILS); Manusher Jonno Foundation (MJF); Nagorik Uddyog; Nijera Kori; and Transparency International Bangladesh (TIB), Dhaka (Bangladesh)], JS9 [Joint submission 9 submitted by: The Asian Pacific Resource & Research Centre for Women (ARROW), on behalf of Rights Here Right Now, Kuala Lumpur (Malaysia) and Sexual Rights Initiative (SRI), Geneva (Switzerland)], AI [Amnesty International], NHRC [National Human Rights Commission, Dhaka, Bangladesh], Roopbaan and Steps noted that that transgender identities or hijra continue to face discrimination despite being recognized as a third gender.’<sup>196</sup>

7.4.4 In its August 2019 report, DFAT gave its assessment of hijras, noting ‘although hijra have a more accepted place in Bangladeshi society than other LGBTI individuals do, they face a moderate risk of [...] societal discrimination in that traditional values and gender roles continue to restrict their full participation in the workplace and community.’<sup>197</sup>

[Back to Contents](#)

## 7.5 Discrimination and violence against non-hijra transgender persons

7.5.1 DFAT noted ‘There is little information available about non-hijra transgender individuals. The word “transgender” does not have a direct Bengali equivalent, and the term hijra may be used to describe non-hijra transgender people.’<sup>198</sup>

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<sup>192</sup> Home Office, ‘FFM to Bangladesh’ (para 7.4.3), September 2017, [url](#).

<sup>193</sup> Home Office, ‘FFM to Bangladesh’ (para 7.4.3), September 2017, [url](#).

<sup>194</sup> Home Office, ‘FFM to Bangladesh’ (para 7.4.3), September 2017, [url](#).

<sup>195</sup> Bandhu Social Welfare Society ‘Annual Report 2018’ (page 41), April 2019, [url](#).

<sup>196</sup> OCHCR, ‘Summary of Stakeholders’ submissions on Bangladesh...’ (para. 12), 13 March 2018, [url](#)

<sup>197</sup> DFAT, ‘Country Information Report Bangladesh’ (para 3.140), 22 August 2019, [url](#).

<sup>198</sup> DFAT, ‘Country Information Report Bangladesh’ (para 3.139), 22 August 2019, [url](#).

7.5.2 A January 2017 Diva magazine article referred to Arshi, a Bangladeshi Canadian (born female, identifies as genderqueer and dates women), who faced opposition from her mother:

‘When Arshi clearly came out to her mother, she said that Arshi was going through psychosis and needed behaviour therapy to convert her to a feminine heterosexual girl. In this so-called therapy, Arshi was coerced to chant that she was not homosexual. She says: “Mother told me to observe men every day and try to find something to like about them, we could build on that and start to find more and more things to like about them”.’<sup>199</sup>

7.5.3 Human Rights Watch (HRW) interviewed 6 transgender men (assigned female at birth but identify as male) in October 2017, who all spoke of ‘bullying at school, barriers to employment, difficulty accessing health care, as well as harassment and verbal abuse in both public and private spaces.’<sup>200</sup>

7.5.4 The report added that:

‘While the experiences and fears of the trans men presented here cannot be said to be nationally representative without additional research, there is reason to believe they are widely shared. For one thing, all of the trans men we spoke to said other trans men faced the same threats and vulnerability. For another, lesbian, gay, bisexual, and transgender (LGBT) populations in Bangladesh more generally face a climate of hostility that has been documented previously by others.’<sup>201</sup>

[Back to Contents](#)

## 7.6 Family treatment

7.6.1 In 2011, ‘Sam’, a self-described bisexual living in Dhaka, told The Rice Thresher, “As long as you don’t come out open to your family, you are safe [said Sam]” ... many homosexuals in Bangladesh hide their sexual orientation from their friends and families. Coming out can have a wide range of consequences.’ The article described how some parents in Bangladesh consider homosexuality to be a mental illness and as a ‘morally depraved Western phenomenon that needs to be fended off.’<sup>202</sup>

7.6.2 According to the 2014 Needs Assessment Survey, only 8.3% of the 571 LGB respondents said they disclosed their sexuality to family members<sup>203</sup>. The report noted ‘... sexuality is not something that is readily discussed with family members in a conservative culture such as Bangladesh. Fear of not being accepted or being misunderstood by family members may make it harder for many LGB individuals to come out to their families.’<sup>204</sup>

7.6.3 According to a self-exiled Bangladeshi LGBTQ activist, living in London, and cited in January 2017 in Diva magazine:

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<sup>199</sup> Diva, ‘Lesbians in Bangladesh’, 17 January 2017, [url](#).

<sup>200</sup> HRW, ‘Bangladesh: Transgender Men Fear for Their Safety’, 19 January 2018, [url](#).

<sup>201</sup> HRW, ‘Bangladesh: Transgender Men Fear for Their Safety’, 19 January 2018, [url](#).

<sup>202</sup> The Rice Thresher, ‘Homophobic tendencies still abound in South Asia’, 10 February 2011, [url](#).

<sup>203</sup> Boys of Bangladesh, ‘Bangladesh LGB Needs Assessment ...’ (page 12), March 2015, [url](#).

<sup>204</sup> Boys of Bangladesh, ‘Bangladesh LGB Needs Assessment ...’ (page 12), March 2015, [url](#).

‘Many [Bangladeshi parents] think that their daughter has “turned” lesbian after having read about it on the internet, [or] is trying to be Westernised or modern in a detrimental way. Parents may send them to a doctor for a check-up. They can force them into marriage, falsely hoping that it’ll solve things. Lesbian suicides arising out of homophobia are common in Bangladesh, but they are under-reported, or some other pretext is cited as the trigger.’<sup>205</sup> (see also [Societal norms – marriage](#)).

- 7.6.4 During the Home Office FFM in May 2017, an official at the National Human Rights Commission (NHRC) said that some people may be able to ‘come out’ to close family and friends, particularly in upper-middle class families but also stated that ‘in others, LGBT persons may be thrown out.’<sup>206</sup> Boys of Bangladesh claimed that it was a common experience for families to suggest psychiatric treatment to those who ‘come out’, which had happened to the representative of Boys of Bangladesh<sup>207</sup>. Members of the press mentioned that families of LGBT people can also be targeted<sup>208</sup>.
- 7.6.5 As noted in the DFAT report, ‘Acceptance of hijra family members among relatives is generally low...’<sup>209</sup>

[Back to Contents](#)

Section 8 updated: 24 March 2020

## 8. Access to services

### 8.1 Overview for transgender persons – hijra

- 8.1.1 Partha Sarker of Bytes for All Bangladesh wrote, in the Global Information Society Watch 2015 (GIS Watch) report, that hijras in Bangladesh ‘...continue to face extreme discrimination when it comes to government services such as health, housing and education, as well as in areas such as employment and immigration.’ Sarker stated, ‘Violence against the third gender community, especially hijra sex workers, is often brutal, and occurs in public spaces, police stations, prisons or even at homes.’<sup>210</sup>
- 8.1.2 Human Rights Watch (HRW) stated in its World Report 2016:
- ‘The third gender status [announced by the government in November 2013] came with no official definition but could ostensibly accord hijras education, health, and housing rights. However, the decree did not indicate any process by which legal recognition as a third gender should be conferred. (See Legal context: [Transgender persons – hijra](#))
- ‘In December 2014, a group of 12 hijras were selected for a government employment scheme, and in early 2015 they were subjected to invasive and abusive exams as part of the hiring process. The hijras said they were asked humiliating questions about their bodies, and some reported that the physicians in charge of the exams called them “disgusting” and then

<sup>205</sup> Diva, ‘Lesbians in Bangladesh’, 17 January 2017, [url](#).

<sup>206</sup> Home Office, ‘FFM to Bangladesh’ (para 7.2.1 and page 88), September 2017, [url](#).

<sup>207</sup> Home Office, ‘FFM to Bangladesh’ (para 7.9.1 and page 120), September 2017, [url](#).

<sup>208</sup> Home Office, ‘FFM to Bangladesh’ (paras 7.2.1 and 7.9.1), September 2017, [url](#).

<sup>209</sup> DFAT, ‘Country Information Report Bangladesh’ (para 3.137), 22 August 2019, [url](#).

<sup>210</sup> GIS Watch 2015, ‘Bangladesh: The “third gender” in Bangladesh’, (page 62), 2015, [url](#).

instructed hospital janitors and security guards to conduct physical exams, which included touching their genitals. Shortly after the medical exams, the hijras' names were exposed in a newspaper article that declared them impostors because they were “really men.” The 12 were denied their employment positions and report increased harassment from neighbors.’<sup>211</sup>

- 8.1.3 The Bandhu Social Welfare Society reported in its 2018 Annual Report that ‘[The] Hijra community have long been excluded from accessing social institutions and social services, such as schooling, housing, basic health care services and employability.’<sup>212</sup> Similarly, Bangladesh’s Ministry of Social Welfare the Hijra ‘are mostly discriminated in grounds of healthcare, safe-home, and education.’<sup>213</sup>
- 8.1.4 The USSD HR Report 2019 noted that the government announced in January 2019, ‘... hijra (third gender) candidates who identify as women were eligible for national parliamentary election.’<sup>214</sup> The DFAT report of August 2019 noted ‘The lack of ... guidelines have hindered government attempts to integrate hijra into formal employment ... Few mainstream employment options are open to hijras, and many obtain income through informal means, including extortion, performing at ceremonies, begging, or prostitution.’<sup>215</sup> In October 2019, a hijra youth wing official of the ruling Awami League was elected as councillor for a rural Bangladeshi town<sup>216</sup>.

[Back to Contents](#)

## 8.2 Healthcare

- 8.2.1 The Bandhu Social Welfare Society (Bandhu), a Bangladeshi NGO supporting human rights and providing services for gender and sexual minorities, works in 22 districts of the country and is registered with the Ministry of Social Welfare. Bandhu provides information, support and health care in its 36 field offices<sup>217</sup>.
- 8.2.2 The 2014 Needs Assessment Survey by Boys of Bangladesh found that: ‘Again, although majority of the survey-takers (73.7%) did not believe that homosexuality is a mental disorder, 25.7 % admitted that they would change their sexual orientation if given the chance and about 44.3% of them admitted to feeling mentally stressed due to their sexual orientation. Out of these 44.3%, 69.6% admitted to feelings of depression, 60.1% admitted to feelings of frustration, 26.5% admitted to having suicidal thoughts, and 20.9% admitted to harboring self-hatred.’<sup>218</sup>
- 8.2.3 A source consulted during the Home Office FFM to Bangladesh in May 2017 noted that men who have sex with men (MSM) use of healthcare

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<sup>211</sup> HRW, ‘World Report 2016 – Bangladesh’, 27 January 2016, [url](#).

<sup>212</sup> Bandhu Social Welfare Society ‘Annual Report 2018’ (page 41), April 2019, [url](#).

<sup>213</sup> Ministry of Social Welfare, ‘Living standard development program for Hijra...’, 11 July 2019, [url](#).

<sup>214</sup> USSD, ‘Country Report on Human Rights Practices for 2019’ (Section 6), 11 March 2020, [url](#).

<sup>215</sup> DFAT, ‘Country Information Report Bangladesh’ (para 3.137), 22 August 2019, [url](#).

<sup>216</sup> Tribune India, ‘Transgender councillor elected in Bangladesh first’, 15 October 2019, [url](#).

<sup>217</sup> Bandhu Social Welfare Society, ‘Bandhu Profile’, n.d., [url](#).

<sup>218</sup> Boys of Bangladesh, ‘Bangladesh LGB Needs Assessment ...’ (page 12), March 2015, [url](#).

programmes had declined for fear of being targeted by extremists<sup>219</sup>. The representative of Boys of Bangladesh told the Home Office FFM that they 'had not heard of cases of discrimination against LGBT persons seeking medical treatment. However, if a sexually transmitted disease had to be explained (thus revealing the persons sexuality) the situation might be different. Hijra would face greater discrimination because they look different. AIDS is still considered a 'gay disease'. The gay rights group Roopban set up an event – a safe place – for HIV testing. Treatment is available for HIV but people would fear talking about their sexuality.'<sup>220</sup> The representative of the Bangladesh legal Aid and Services Trust (BLAST) told the Home Office FFM that if a person was attacked because of their sexuality 'They would be able to seek protection in theory like any other person who is attacked; however their sexuality if known may inhibit the response they receive from law enforcing agencies or the judiciary, or even health providers.'<sup>221</sup>

- 8.2.4 A report published by FHI 360 in April 2013 noted that hijra '...because doctors do not understand hijra people or fear being associated with them, hijra do not have adequate access to healthcare.'<sup>222</sup>
- 8.2.5 According to the 2018 and 2019 USSD HR Reports, 'The law does not prohibit discrimination against LGBTI persons in housing, employment, nationality laws, and access to government services such as health care. LGBTI groups reported official discrimination in employment and occupation, housing, and access to government services.'<sup>223 224</sup>
- 8.2.6 Human Rights Watch (HRW) interviewed 6 transgender men (assigned female at birth but identify as male) in October 2017, who all spoke of 'bullying at school, barriers to employment, difficulty accessing health care, as well as harassment and verbal abuse in both public and private spaces.'<sup>225</sup>
- 8.2.7 The USSD HR Report 2019 noted 'Social stigma against HIV and AIDS and against higher-risk populations could be a barrier for accessing health services, especially for the transgender community and men who have sex with men.'<sup>226</sup>

[Back to Contents](#)

### 8.3 Accommodation

- 8.3.1 During the Home Office FFM to Bangladesh in May 2017, a representative from Boys of Bangladesh considered that few gay couples choose to live together as this would mean coming out to their family<sup>227</sup>. It was the view of the NHRC official that a gay man or lesbian could rent a property with a member of the same sex, if they did not identify themselves as being gay.

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<sup>219</sup> UK Home Office, 'Fact-Finding Mission to Bangladesh' (para 7.6.1), September 2017, [url](#).

<sup>220</sup> Home Office, 'FFM to Bangladesh' (page 120), September 2017, [url](#).

<sup>221</sup> Home Office, 'FFM to Bangladesh' (page 125), September 2017, [url](#).

<sup>222</sup> FHI 360, 'Exploring Gender Based Violence ...' (page 11), April 2013, [url](#).

<sup>223</sup> USSD, 'Country Report on Human Rights Practices for 2018' (page 41), 13 March 2019, [url](#).

<sup>224</sup> USSD, 'Country Report on Human Rights Practices for 2019' (Section 6), 11 March 2020, [url](#).

<sup>225</sup> HRW, 'Bangladesh: Transgender Men Fear for Their Safety', 19 January 2018, [url](#).

<sup>226</sup> USSD, 'Country Report on Human Rights Practices for 2019' (Section 6), 11 March 2020, [url](#).

<sup>227</sup> UK Home Office, 'Fact-Finding Mission to Bangladesh' (page 118), September 2017, [url](#).

The official believed it would be harder for a heterosexual unmarried couple to rent a property than 2 members of the same sex<sup>228</sup> (see also [Societal attitudes and treatment](#)).

[Back to Contents](#)

Section 9 updated: 24 March 2020

## 9. LGBTI groups, civil society and human rights NGOs

### 9.1 LGBTI community and activists

9.1.1 The 2014 Needs Assessment Survey, conducted by Boys of Bangladesh and Roopban (a gay community magazine), noted: ‘... since 2000, some underground groups of gay men belonging to middle and upper middle classes in the metropolitan cities of Bangladesh have gradually started to use public spaces and the internet to build up a community and connect with other LGB individuals... However, such visibility also led to sporadic backlash and is feared to have pushed the community further into the closet.’<sup>229</sup>

9.1.2 The survey found:

‘A large percentage of the [571] respondents (80.2%) said that they consider themselves as part of the LGB community. 59.6% said that their community is based both online and offline. About 90.5% of the respondents said that they have LGB friends that they meet with at least once a week. This suggests that not only do the respondents have a sense of sexual identity and a level of comfort identifying with the LGB group, but that there is also a potential inner-network already in place within the community.’<sup>230</sup>

9.1.3 In 2015, Globalgayz, a travel and culture website, reported on gay life in Bangladesh, where the reporter travelled to Dhaka and connected with gay men in the city, who were generally from middle-class backgrounds, and maintained discreet relationships and attended private social gatherings, organised online<sup>231</sup>.

9.1.4 The USSD HR Report 2016 observed, however, that following the murder of the 2 gay rights activists, ‘... many members of LGBTI communities, including the leadership of key support organizations, reduced their activities and sought refuge both inside and outside of the country. This resulted in severely weakened advocacy and support networks for LGBTI persons. Organizations specifically assisting lesbians continued to be rare.’<sup>232</sup>

9.1.5 A study based on 50 interviews with individuals from the LGBT community in Bangladesh, jointly conducted by GHRD and Boys of Bangladesh (BOB) between November 2013 and May 2014, found that ‘Participants living in other divisions outside of Dhaka said they lacked proper LGBT networks in their areas. Compared to other parts of the country, Dhaka was seen as the centre for the LGBT movement, creating a supportive environment for LGBT

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<sup>228</sup> UK Home Office, ‘Fact-Finding Mission to Bangladesh’ (page 89), September 2017, [url](#).

<sup>229</sup> Boys of Bangladesh, ‘Bangladesh LGB Needs Assessment ...’ (page 4), March 2015, [url](#).

<sup>230</sup> Boys of Bangladesh, ‘Bangladesh LGB Needs Assessment ...’ (page 17), March 2015, [url](#).

<sup>231</sup> Globalgayz, ‘Gay life in Bangladesh’, November 2015, [url](#).

<sup>232</sup> USSD, ‘Country Report on Human Rights Practices for 2016’ (Section 6), 3 March 2017, [url](#).

people living in Dhaka. Participants outside of Dhaka felt isolated from what was happening in Dhaka on the LGBT movement, since they did not have any networks in their areas which could connect them to the LGBT people in Dhaka.<sup>233</sup>

- 9.1.6 The 2015 OFPRA FFM Report observed that ‘there are no purely social meeting places such as “gay friendly” or specifically LGBTI restaurants or bars in the capital. LGBTI individuals usually meet at private parties.’<sup>234</sup> The National Human Rights Commission (NHRC) and an official at the British High Commission, Dhaka, who were consulted during the Home Office FFM to Bangladesh in May 2017, noted that the LGBT community was closed and private<sup>235</sup>. The NHRC added that online activism had increased over the past 5-6 years<sup>236</sup> (see also [Societal norms – gender and sexual identity](#)).
- 9.1.7 Several sources consulted during the FFM agreed that gay rights activists and bloggers were more at risk than ‘ordinary’ LGBT people<sup>237</sup>. Whilst not dealing specifically with LGBT issues, Ain o Salish Kendra (ASK), a national legal aid and human rights organisation, expressed deep concern for the rights of LGBT activists<sup>238</sup>. Members of the press judged that Sylhet was riskier than Dhaka<sup>239</sup>. Boys of Bangladesh claimed that within the last year more LGBT people had left Bangladesh because ‘they felt threatened’ following the attack against gay activists in 2016<sup>240</sup>.
- 9.1.8 In May 2017, Amnesty International reported on the impact of LGBTI persons following the murder of activist Xulhaz Mannan and Mahub Tonoy in April 2016 ‘LGBTI activists told Amnesty International that they were too afraid to organize both public and private events. Online activity, such as contributing to discussion forums or posting on social media, has also declined significantly.’<sup>241</sup>
- 9.1.9 The DFAT report noted that, following the April 2016 murders:  
‘... several gay men – both activists and non-activists – reported receiving threats of violence. LGBTI activists subsequently cancelled a number of advocacy events and constrained their work. Some in the LGBTI community removed Facebook pictures hinting at same-sex relationships or deactivated their profiles altogether, and many went into hiding. DFAT understands that many formerly prominent activists have left the country, depriving the community of leadership. This has resulted in severely weakened visibility, advocacy, and support networks for LGBTI persons.’<sup>242</sup>

See also Societal treatment, violence and discrimination – [Overview](#).

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<sup>233</sup> GHRD, ‘The Invisible Minority...’ (page 20), 2015, [url](#).

<sup>234</sup> OFPRA, ‘Report on the mission to the People’s Republic of Bangladesh’ (page 43), June 2015, [url](#).

<sup>235</sup> Home Office, ‘FFM to Bangladesh’ (para 7.7.1), September 2017, [url](#).

<sup>236</sup> Home Office, ‘FFM to Bangladesh’ (paras 7.7.1-7.7.2), September 2017, [url](#).

<sup>237</sup> Home Office, ‘FFM to Bangladesh’ (para 7.7.3), September 2017, [url](#).

<sup>238</sup> Home Office, ‘FFM to Bangladesh’ (page 67), September 2017, [url](#).

<sup>239</sup> Home Office, ‘FFM to Bangladesh’ (para 7.7.3), September 2017, [url](#).

<sup>240</sup> Home Office, ‘FFM to Bangladesh’ (para 7.7.3 and page 66), September 2017, [url](#).

<sup>241</sup> Amnesty International, ‘Caught between fear and repression...’ (page 19), 8 May 2017, [url](#).

<sup>242</sup> DFAT, ‘Country Information Report Bangladesh’ (para 3.129), 22 August 2019, [url](#).

- 9.1.10 In an interview with a blog editor at the London School of Economics (LSE) South Asia Centre, published July 2018, a representative from Boys of Bangladesh (BoB) stated:
- ‘BoB regularly organises community events such as get-togethers, picnics, film screenings, trainings, workshops, and various innovative programs to help LGBT individuals come together, find peer support and to be more visible as well as assertive of their human rights. It also runs a telephone line for support. All the community events are self-sustaining – participants collectively bear the cost of the events, which also gives them a sense of ownership and belonging.’<sup>243</sup>
- 9.1.11 However, the representative also highlighted the difficulties in finding safe physical spaces<sup>244</sup>.
- 9.1.12 The DFAT report noted ‘In-country sources report that although there are no public social gatherings to allow lesbians to meet each other, a telephone helpline does exist. In addition, some lesbians may communicate with each other using encrypted messaging services or social media.’<sup>245</sup>
- 9.1.13 The DFAT report further noted:
- ‘NGOs report that LGBTI individuals (gay men in particular) occasionally use a complex system of slang known as *ulti* to avoid cultural taboos prohibiting open discussion of LGBTI issues. This slang includes various euphemisms that may be used as LGBTI issues are poorly understood and English words to describe LGBTI issues may not have equivalents in Bengali. Highly educated and wealthy LGBTI people are most likely to understand these words and concepts.’<sup>246</sup>

[Back to Contents](#)

## 9.2 Government recognition and restrictions

- 9.2.1 ILGA noted in its 2017 report ‘There are significant barriers to registering as a NGO in Bangladesh, along with the fact that there has been a significant rise in threats to LGBT human rights defenders: many who have been forced to flee the country. The Voluntary Social Welfare Agencies Ordinance of 1961 requires the societies under this category to “render welfare services” but does not provide the capacities of a[n] NGO.’<sup>247</sup>
- 9.2.2 According to the USSD HR Report 2019, the Bangladeshi government required all NGOs to register with the Ministry of Social Welfare. Local and international NGOs working on sensitive topics or groups, including LGBTI communities, ‘faced both formal and informal governmental restrictions. Some of these groups claimed intelligence agencies monitored them.’<sup>248</sup>
- 9.2.3 ILGA noted in its March 2019 report ‘There are no registered SOGI-based NGOs in Bangladesh, although there are some long-standing CSOs [civil

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<sup>243</sup> LSE, “All we want to do is fit in. To be accepted. To be part of the group”, 24 July 2018, [url](#).

<sup>244</sup> LSE, “All we want to do is fit in. To be accepted. To be part of the group”, 24 July 2018, [url](#).

<sup>245</sup> DFAT, ‘Country Information Report Bangladesh’ (para 3.135), 22 August 2019, [url](#).

<sup>246</sup> DFAT, ‘Country Information Report Bangladesh’ (para 3.136), 22 August 2019, [url](#).

<sup>247</sup> ILGA, ‘State Sponsored Homophobia 2017’ (page 45), May 2017, [url](#).

<sup>248</sup> USSD, ‘Country Report on Human Rights Practices for 2019’ (Section 5), 11 March 2020, [url](#).

society organisations], such as Boys of Bangladesh and the Bhandu Social Welfare Society, and online communities such as Roopbaan, Shambhab (a lesbian network) and Vivid Rainbow.<sup>249</sup> The same report further noted that ‘Only specific types of societies may be registered under the Societies Registration Act (1860) pursuant to Section 20 and activists have reported that registration of their groups have been rejected on the basis of the criminalisation of same-sex sexual conduct. In addition, due to threats to the safety of activists by state officials and citizens, activists have been unable to complete the registration process which requires them to meet with government officials.’<sup>250</sup>

- 9.2.4 The USSD HR Reports on 2018 and 2019 both noted ‘Organizations specifically assisting lesbians continued to be rare. Strong social stigma based on sexual orientation was common and prevented open discussion of the subject.’<sup>251 252</sup>
- 9.2.5 In its August 2019 report, DFAT stated ‘The ability of LGBTI individuals and organisations to exist and operate freely and openly has tightened considerably in recent years.’<sup>253</sup>

[Back to Contents](#)

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<sup>249</sup> ILGA, ‘State Sponsored Homophobia 2019’ (page 432), March 2019, [url](#).

<sup>250</sup> ILGA, ‘State Sponsored Homophobia 2019’ (page 74), May 2017, [url](#).

<sup>251</sup> USSD, ‘Country Report on Human Rights Practices for 2018’ (page 41), 13 March 2019, [url](#).

<sup>252</sup> USSD, ‘Country Report on Human Rights Practices for 2019’ (Section 6), 11 March 2020, [url](#).

<sup>253</sup> DFAT, ‘Country Information Report Bangladesh’ (para 3.131), 22 August 2019, [url](#).

# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context
  - Statutory law
  - Laws applying to LGBTI
  - Sharia
- State attitudes and treatment
  - Implementation and enforcement of the law
  - Arrests and detention
  - Official discrimination and harassment
  - Official responses to violence
  - Official views on LGBTI
- Societal attitudes and treatment
  - Societal norms on sexuality, gender and marriage
  - Family treatment
- Societal violence and discrimination
  - Discrimination and violence against LGBT and hijras
  - Extremism
  - Pro-LGBT marches/gay pride
  - Gay 'scene' or 'community'
- Access to services
  - Healthcare
  - Accommodation
  - Employment
  - Education
- LGBT groups, civil society and human rights NGOs
  - Government recognition and restrictions

[Back to Contents](#)

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[Back to Contents](#)

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[Back to Contents](#)

# Version control

## Clearance

Below is information on when this note was cleared:

- version **4.0**
- valid from **21 April 2020**

## Changes from last version of this note

Updated country information and assessment

[Back to Contents](#)