



Home Office

Country Policy and Information Note **Bangladesh: Sexual orientation and gender identity**

Version 1.0

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Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country information

The COI within this note has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

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](#).

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The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. 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. IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Policy guidance

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1. Introduction

1.1 Basis of Claim

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

1.2 Other points to note

1.2.1 For the purposes of this instruction, sexual orientation or gender identity includes gay men, lesbians, bisexuals and transgender (LGBT) persons though the experiences of each group may differ.

1.2.2 Decision makers should also refer to the [Asylum Instructions: Sexual identity issues in the asylum claim](#); and [Gender identity issues in the asylum claim](#).

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2. Consideration of Issues

2.1 Credibility

2.1.1 For further guidance on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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](#).

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2.2 Particular social group

2.2.1 LGBT people form a particular social group (PSG) in Bangladesh within the meaning of the Refugee Convention because they share a common characteristic that cannot be changed and have a distinct identity which is perceived as being different by the surrounding society.

2.2.2 Although LGBT people form a PSG, this does not mean that establishing such membership will be sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their membership of such a group.

2.2.3 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Assessment of risk

- 2.3.1 Decision makers must establish whether or not the person, if returned to their country of origin, will live freely and openly as an LGBT person. This involves a wide spectrum of conduct which goes beyond merely attracting partners and maintaining relationships with them. If it is found that the person will in fact conceal aspects of his or her sexual orientation/identity if returned, decision makers must consider why the person will do so. If this will simply be in response to social pressures or for cultural reasons of their own choosing and not because of a fear of persecution, then they may not have a well-founded fear of persecution. Decision makers should also consider if there are individual or country specific factors that could put the person at risk even if they choose to live discreetly because of social or cultural pressures.
- 2.3.2 But if the reason why the person will resort to concealment is that they genuinely fear that otherwise they will be persecuted, it will be necessary to consider whether that fear is well founded.
- 2.3.3 For further guidance, see the [Asylum Instruction on Sexual Identity Issues in the Asylum Claim](#).
- i. Treatment by the state
- 2.3.4 Sexual acts between males are illegal in Bangladesh. Section 377 of the Penal Code does not explicitly refer to homosexuality, but ‘carnal intercourse against the order of nature’, which is interpreted as referring to sex between men, is punishable by life imprisonment or a shorter period of imprisonment. It is reported that there have only ever been two 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 punishment under Section 377. Female-female sexual activity is not a criminal offence (see [Legal rights](#)).
- 2.3.5 Section 377 and certain other legal provisions, such as Section 86 of the Dhaka Metropolitan Police Ordinance, Section 290 of the Penal Code and Article 54 of the Code of Penal Procedure have reportedly sometimes been used by police as a pretext to harass and intimidate LGBT people (see [Attitudes of, and treatment by, state authorities](#)).
- 2.3.6 In November 2013 Bangladesh officially recognised the transgender Hijra population, allowing hijras to identify as a ‘third gender’ on passports and other official government documents although, as of July 2016, a third gender category had not yet been included on the NID (National Identity) card. It was stated that there would also be reserved places for Hijras in government employment but, during the recruitment process, some hijras have been subjected to humiliating and discriminatory treatment (see [Legal rights: Transgender persons](#), and [Attitudes of, and treatment by, state authorities: Transgender persons](#)).
- 2.3.7 In general LGBT persons in Bangladesh are not at real risk of prosecution under the law. Although some LGBT persons have reportedly faced harassment by law enforcement officers, this does not in general amount to persecution or serious harm. Decision makers should consider each case on its facts. The onus will be on the person to demonstrate that they would be at risk from the authorities.

ii. Societal treatment

- 2.3.8 Bangladesh is a conservative society in which homophobic attitudes persist with LGBT persons facing discrimination. LGBT persons face family and societal pressure to conform to Bangladeshi and Muslim social and heterosexual norms, including marriage (see [Social norms in Bangladesh](#)).
- 2.3.9 Women, because of their position in society generally, are less able than men to withstand family pressure to marry and, particularly if they live in rural areas, their movements outside of their homes may be restricted by their families (see [Social norms in Bangladesh](#)). See also [the country policy and information note on Bangladesh: Women](#).
- 2.3.10 There have been some reports of violence against LGBT persons. Violence is not pervasive, though it is understood to be underreported. Among the main perpetrators are ‘mastans’ (local thugs) and Islamist groups. Harassment and discrimination are more likely experiences than violence. There is a range of reactions to ‘coming out’, which may include serious harm (most likely from family members) (see [Societal treatment and attitudes](#)).
- 2.3.11 Various sources indicate that tolerance of LGBT persons is improving; there is evidence of a gay community and there are support groups for gay men and transgender people. Informal networking takes place at private parties and other venues, and on the internet. Bangladesh’s first Rainbow (‘gay pride’) rally took place in Dhaka in April 2014 and was repeated in April 2015. The event planned for 2016 had to be cancelled due to threats and opposition from Islamist groups. A Hijra Pride Festival was held in November 2014; about a thousand people participated, including police officers, and no hostile incidents were recorded (see [Gay ‘scene’ and community](#)).
- 2.3.12 In general the societal treatment of LGBT persons in Bangladesh, even when taken cumulatively, does not reach the level of being persecutory or otherwise inhuman or degrading treatment. Each case must however be considered on its facts. The onus will be on the person to demonstrate why, in their particular circumstances, they would be at real risk from non state actors.
- 2.3.13 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 Protection

- 2.4.1 If the person’s fear is of ill treatment/persecution at the hands of the state, they will not be able to avail themselves to the protection of the authorities.
- 2.4.2 Where the person’s fear is persecution and/or serious harm from non-state actors, decision makers must assess whether the state can provide effective protection.
- 2.4.3 Reports indicate that many LGBT 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 (see [Societal treatment and attitudes](#)). State authorities have been responsible for arbitrary arrests, detentions, harassment and discrimination towards LGBT persons with reports of the police physically and sexually assaulting them. However there is also some

evidence of the authorities taking appropriate action, for example, following the murder of two gay rights activists in 2016 the police are reported to have investigated the incident and, having identified those involved, were seeking to make arrests (see [Violence perpetrated by extremist groups](#)).

- 2.4.4 There are also non-governmental organisations (NGOs) in Bangladesh who advocate for LGBT rights and the LGBT community and which may be able to assist the person to avail themselves of the protection of the state (see [Societal treatment and attitudes](#)).
- 2.4.5 A person's reluctance to seek protection does not necessarily mean that effective protection is not available. Each case must be considered on its facts. The onus is on the person to demonstrate that in their particular circumstances the state is not willing and able to provide them with effective protection.
- 2.4.6 For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and the country policy and information on [Bangladesh: Background information, including actors of protection, and internal relocation](#).

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2.5 Internal relocation

- 2.5.1 If the person's fear is of ill treatment/persecution at the hands of the state, they will not be able to relocate to escape that risk.
- 2.5.2 Where the person's fear is of persecution or serious harm at the hands of non-state actors – including rogue state agents – decision makers must carefully consider whether internal relocation is reasonable, taking full account of the person's circumstances.
- 2.5.3 The onus will be on the person to demonstrate why they would be unable to internally relocate to a part of the country where they would not face difficulties even without concealing their sexual orientation in the proposed new location.
- 2.5.4 Where family members are hostile to a lesbian woman's sexuality, they may threaten violence or otherwise reject her completely and sometimes formally renounce her as a member of that family. In such a case, whether relocation is unduly harsh will be a question of fact, depending largely on the ability of the lone woman or, where relevant, together with her partner to survive economically away from family and social networks.
- 2.5.5 It would not, in general, be unreasonable or unduly harsh for a gay man (or a person who is perceived to be such), who is able to demonstrate a real risk in his home area because of his particular circumstances, to relocate internally within Bangladesh.
- 2.5.6 Bangladesh is one of the world's most densely populated countries. If an LGBT person's family wishes to pursue and harm her/him in the place of internal relocation, their ability to do so will depend on the reach of the family network, how persistent they are, and how influential.

- 2.5.7 Decision makers must also take into account that the Supreme Court, in the case of [HJ \(Iran\)](#), made the point that internal relocation is not the answer if it depends on the person concealing their sexual orientation (or gender identity) in the proposed new location for fear of persecution.
- 2.5.8 See the country policy and information note on [Bangladesh: Background information, including actors of protection, and internal relocation](#).
- 2.5.9 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.6 Certification

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

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3. Policy Summary

- 3.1.1 Male same-sex sexual acts are criminalised in Bangladesh under Section 377 of the Penal Code and punishable by life imprisonment. However there have only ever been two arrests under the provision and no convictions. There are, however, reports that this provision, together with other legal instruments, has sometimes been used by the police to harass and intimidate LGBT persons.
- 3.1.2 Sex between women is not criminalised and transgender persons (Hijras) are legally recognised. In general gay men, lesbians and transgender persons are not at real risk of persecution or ill-treatment by the state.
- 3.1.3 Evidence of violence by non-state actors against LGBT people is limited, with harassment and discrimination more likely experiences. In general the treatment of LGBT persons in Bangladesh does not amount to serious harm or persecution, even when taken cumulatively. Each case must however be considered on its facts.
- 3.1.4 Women are less able than men to withstand family pressure to marry and, for example, may be more restricted in their movements. Decision makers must consider all of the person's circumstances.
- 3.1.5 Effective state protection against societal ill-treatment may be available depending on the facts of the case. Internal relocation to escape any risk may also be a viable option depending on the individual circumstances of the person.
- 3.1.6 Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded'.

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4. Legal rights

4.1 General

- 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.'¹
- 4.1.2 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. Same-sex couples cannot adopt children.²
- 4.1.3 Nearly 90 per cent of Bangladesh's population is Muslim³ and sexual activity of any nature outside of a (heterosexual) marriage is prohibited under Sharia.⁴

4.2 Gay and bisexual men

- 4.2.1 Sexual activity between men, whether consensual or not, is illegal. Section 377 of the Bangladesh Penal Code, originally enacted by the colonial government in India in the 1860s, provides:

'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.'⁵

- 4.2.2 The US Department of State, in its 2015 Country Report on Human Rights Practices (USSD 2015 Report), noted that Section 377 of the Penal Code 'was not enforced'.⁶ The Kaleidoscope Trust stated in a 2015 report that

¹ Constitution of the People's Republic of Bangladesh, 1972, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367, Articles 27 and 28, date accessed 10 June 2016.

² International Lesbian, Gay, Bisexual, Transgender and Intersex Association (ILGA), State-sponsored Homophobia, 11th Edition, May 2016, http://www.ecoi.net/file_upload/90_1463724535_2016-05-ilga-state-sponsored-homophobia-2016-eng-web-150516.pdf, pages 41-53, date accessed 10 June 2016.

³ CIA, The World Factbook, Bangladesh, updated 18 May 2016, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>, People and society, date accessed 10 June 2016.

⁴ Joint United Nations Programme on HIV/AIDS (UNAIDS), HIV and Men who have Sex with Men in Asia and the Pacific, September 2006, http://data.unaids.org/Publications/IRC-pub07/jc901-msm-asiapacific_en.pdf, page 29, date accessed 10 June 2016.

⁵ The Penal Code (Act no. XLV of 1860): Chapter XVI, Section 377, available at BD Laws: http://bdlaws.minlaw.gov.bd/sections_detail.php?id=11§ions_id=3233, date accessed 10 June 2016.

⁶ US Department of State, Country Report on Human Rights Practices for 2014: Bangladesh, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252959>, section 6, date accessed 10 June 2016.

'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.'⁷ The report of a fact finding mission undertaken in April 2015 by the French Office for Protection of Refugees and Stateless Persons (OFPRA Report 2015) 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.'⁸

4.3 Lesbians and bisexual women

4.3.1 The International Lesbian, Gay, Bisexual, Transgender and Intersex Association (ILGA), in 2016, indicated that female-female sexual activity is not a criminal offence under existing penal law.⁹ The Human Dignity Trust, in a May 2016 report, did not include Bangladesh on a list of countries where 'lesbians and bisexual women are criminalised'.¹⁰

See also Attitudes of, and treatment by, state authorities: [lesbians and bisexual women](#).

4.4 Transgender persons (including hijras)

4.4.1 Hijras are the principal transgender community in Bangladesh. In November 2013 the Bangladesh government granted hijras legal status as members of a 'third gender'.¹¹ 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'.¹² On 16 January 2014 the government issued a Gazette notification to this effect.¹³ (For further information on hijras in Bangladesh, see the section on [Gender](#).) According to a Global Human Rights Defence

⁷ Kaleidoscope Trust in association with Kaleidoscope Australia Human Rights Foundation, 'Speaking Out 2015: The Rights of LGBTI People across the Commonwealth', (London, 2015), http://kaleidoscopetrust.com/usr/library/documents/main/2015_speakingout_241115_web.pdf, date accessed 16 September 2016

⁸ France: Office français de protection des réfugiés et apatrides (OFPRA), Report on the mission to the People's Republic of Bangladesh, June 2015, <http://www.refworld.org/docid/577ccdf44.html> date accessed 8 October 2016

⁹ International Lesbian, Gay, Bisexual, Transgender and Intersex Association (ILGA), State-sponsored Homophobia, 11th Edition, May 2016, http://www.ecoi.net/file_upload/90_1463724535_2016-05-ilga-state-sponsored-homophobia-2016-eng-web-150516.pdf, page 95, date accessed 10 June 2016.

¹⁰ Human Dignity Trust, Breaking the Silence: Criminalization of Lesbians and Bisexual Women and its Impacts, May 2016, http://www.humandignitytrust.org/uploaded/Library/Other_Material/Breaking_the_Silence-Criminalisation_of_LB_Women_and_its_Impacts-FINAL.pdf, page 36, Appendix A: Countries where lesbians and bisexual women are criminalised, date accessed 22 June 2016.

¹¹ ILGA, State-sponsored Homophobia, 11th Edition, May 2016, http://www.ecoi.net/file_upload/90_1463724535_2016-05-ilga-state-sponsored-homophobia-2016-eng-web-150516.pdf, pages 96, date accessed 10 June 2016.

¹² New York Times, 'Transgender Rights, Bangladesh Style', 2 July 2015, http://www.nytimes.com/2015/07/03/opinion/tahmima-anam-transgender-rights-bangladesh-labannya-hijra.html?_r=0;

¹³ The Independent (UNB News agency), 'Hijras' third gender identity virtually remains unrecognised', 24 July 2016 <http://www.theindependentbd.com/printversion/details/52545> date accessed 1 August 2016.

report of 17 June 2015, enabling legislation establishing hijra rights as a third gender had not been introduced in Parliament; although the need for such legislation was not explained in the report.¹⁴ The Independent (Bangladesh) recorded on 24 July 2016 that the Election Commission had not yet enrolled Hijra voters as a third gender, and a third gender category had not yet been included on the NID (National Identity) card.¹⁵

4.4.2 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, too, to have relationships with other members of their sex.’¹⁶ (CPIT was unable to find corroborating evidence on this point, nor any information on a case in which a hijra was convicted following a consensual sexual ‘relationship with another member of the same sex’.)

4.4.3 At a seminar organised by the National Human Rights Commission (NHRC) and 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.’¹⁷

4.5 Other legal provisions affecting LGBT people

4.5.1 The report of a fact finding mission undertaken in April 2015 by the French Office for Protection of Refugees and Stateless Persons (OFPRA Report 2015) noted:

‘Article 86 of the [Dhaka Metropolitan Police Ordinance]¹⁸, 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.’¹⁹

¹⁴ Global Human Rights Defence, ‘The Invisible Minority: The Situation of LGBT Community in Bangladesh’, 17 June 2015, http://www.ghrd.org/fileadmin/user_upload/LGBT_Report.pdf, page 12; Bandhu Social Welfare Society, ‘Third gender is not a word, it is a Gender’, 7 June 2015

¹⁵ The Independent (UNB News agency), ‘Hijras’ third gender identity virtually remains unrecognised’, 24 July 2016 <http://www.theindependentbd.com/printversion/details/52545> date accessed 1 August 2016.

¹⁶ New York Times, ‘Transgender Rights, Bangladesh Style’, 2 July 2015, http://www.nytimes.com/2015/07/03/opinion/tahmima-anam-transgender-rights-bangladesh-labannya-hijra.html?_r=0; date accessed 6 November 2016

¹⁷ Bandhu Social Welfare Society 2015 Annual Report, <http://www.bandhu-bd.org/wp-content/uploads/2013/12/Annual-Report-2015-of-Bandhu.pdf>, date accessed 15 September 2016

¹⁸ Dhaka Metropolitan Police Ordinance, 1976 http://bdlaws.minlaw.gov.bd/sections_detail.php?id=511§ions_id=13765, date accessed 15 September 2016

¹⁹ France: Office français de protection des réfugiés et apatrides (OFPRA), Report on the mission to the People’s Republic of Bangladesh, June 2015, <http://www.refworld.org/docid/577ccdf44.html>, date accessed 15 September 2016

4.5.2 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 2015.²⁰

4.5.3 The Global Human Rights Development (GHRD) reported 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.’²¹

See also [Attitudes of, and treatment by, state authorities.](#)

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5. Social norms in Bangladesh

5.1 Gender

5.1.1 The French government’s Office français de protection des réfugiés et apatrides (OFPRA) undertook a mission to Bangladesh in April 2015. the report, published in June 2015, stated:

‘Shakawat Hossain [of the NGO “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.’²²

5.1.2 The Bandhu Social Welfare Society (BSWS)²³, 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

²⁰ France: Office français de protection des réfugiés et apatrides (OFPRA), Report on the mission to the People's Republic of Bangladesh, June 2015, <http://www.refworld.org/docid/577ccdf44.html>, date accessed 15 September 2016

²¹ Global Human Rights Defence, ‘The Invisible Minority: The Situation of LGBT Community in Bangladesh’, 17 June 2015, http://www.ghrd.org/fileadmin/user_upload/LGBT_Report.pdf, page 13, date accessed 2 August 2016.

²² France: Office français de protection des réfugiés et apatrides (OFPRA), Report on the mission to the People's Republic of Bangladesh, June 2015, <http://www.refworld.org/docid/577ccdf44.html>, date accessed 15 September 2016

²³ See Section 8 for further information on the BSWS

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.’²⁴

5.1.3 In the culture of the Indian sub-continent, ‘Hijras’ are regarded as a ‘third gender’; most hijras see themselves as ‘neither man nor woman’. They cannot accurately be described as ‘eunuchs’ or ‘hermaphrodites’ or ‘transsexual women’, which are Western terms. Most hijras were born male or intersex (with ambiguous genitalia); some will have undergone a ritual emasculation operation, which includes castration. Some other individuals who identify as hijras were born female. Although most hijras wear women’s clothing and have adopted female mannerisms, they generally do not attempt to pass as women. Becoming a hijra involves a process of initiation into a hijra ‘family’, or small group, under a guru teacher.^{25 26} In a BBC News article of 30 November 2000, George Arney wrote that hijras have been part of the South Asian landscape for thousands of years.²⁷

5.2 Marriage

5.2.1 The BSWs, in its 2010 Annual Report, 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” [transgender] 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.’²⁸

²⁴ Bandhu Social Welfare Society, Annual Report 2010, cited in CORI Country Report Bangladesh, March 2012, available at <http://www.refworld.org/pdfid/50618c6f2.pdf>, page 166, date accessed 10 June 2016.

²⁵ The Lesbian and Gay Studies Reader (book), edited by Abelove, Barale and Halperin. Published by Routledge, 1993. ISBN 978-0-415-90519-0. Chapter 35: Hijras as Neither Man Nor Women, by Dr Serena Nanda

²⁶ BBC News, George Arney: ‘Blurring the gender lines in Bangladesh’, 30 November 2000 http://news.bbc.co.uk/1/hi/programmes/crossing_continents/asia/1035555.stm, date accessed 10 June 2016.

²⁷ BBC News, George Arney: ‘Blurring the gender lines in Bangladesh’, 30 November 2000 http://news.bbc.co.uk/1/hi/programmes/crossing_continents/asia/1035555.stm, date accessed 10 June 2016.

²⁸ Bandhu Social Welfare Society, Annual Report 2010, cited in CORI Country Report Bangladesh, March 2012, available at <http://www.refworld.org/pdfid/50618c6f2.pdf>, pages 166-167, date accessed 10 June 2016.

5.2.2 The BSWS has reported that the law was ‘used by social institutions including families to harass [LGBT persons] and compel them into heterosexual marriages.’²⁹

5.2.3 The late gay rights activist Xulhaz Mannan was quoted by the Kaleidoscope Trust as commenting, ‘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.’³⁰

5.3 Societal taboo

5.3.1 Ain o Salish Kendra (ASK), a legal aid and human rights organisation, noted in its Human Rights in Bangladesh 2008 annual report, that:

‘For a number of reasons, including cultural invisibility, a general reluctance to discuss sexuality in the public sphere, and the stigma attached to non-normative sexualities, information on sexual minorities in Bangladesh is quite limited. For that matter, most human rights organizations, until very recently, have not considered the subject of sexual rights to be an obvious part of their mandate.’³¹

5.3.2 A 2011 article in The Rice Thresher, the official student newspaper at Rice University, Texas 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 publically, sharing a bed and going on trips with a man ‘cast no doubt upon... presumed heterosexual identities... “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. However, mainly due to new media, times are changing.’³²

²⁹ Bandhu Social Welfare Society, Annual Report 2010, cited in CORI Country Report Bangladesh, March 2012, available at <http://www.refworld.org/pdfid/50618c6f2.pdf>, page 164, date accessed 10 June 2016.

³⁰ Kaleidoscope Trust in association with Kaleidoscope Australia Human Rights Foundation, ‘Speaking Out 2015: The Rights of LGBTI People across the Commonwealth’, (London, 2015), http://kaleidoscopetrust.com/usr/library/documents/main/2015_speakingout_241115_web.pdf, date accessed 16 September 2016

³¹ Ain o Salish Kendra (ASK), Human Rights in Bangladesh 2008, 31 January 2009, <http://www.askbd.org/ask/2009/01/31/human-rights-bangladesh-2008-english/>, Rights of sexual minorities, Chapter 22, http://www.askbd.org/hr_report2008/22_Sexual.pdf, page 241, date 10 June 2016.

³² The Rice Thresher, Homophobic tendencies still abound in South Asia, 10 February 2011, <http://www.ricethresher.org/article/2011/02/homophobic-tendencies-still-abound-in-south-asia>, date accessed 10 June 2016.

- 5.3.3 The gay-rights publication LGBT Weekly noted in April 2014 that ‘any discussion around sex and sexuality is taboo.’³³ In December 2014 the Dhaka Tribune observed that ‘homosexuality is still considered taboo in Bangladesh. Many people surveyed said they felt their sexual orientation conflicted with their religious identity, with some even stating it is a sin and immoral.’ More than 50 per cent said they lived in constant fear of their sexual orientation being out.³⁴
- 5.3.4 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.’³⁵
- 5.3.5 Advertising its October 2013 event ‘LGBT Movement in Bangladesh’, the Brooklyn Community Pride Centre, noted that while being out is ‘rare’ the ‘notion of sexual orientation and gender identity does not exist though the society has been more or less tolerant to the gender variant. Indeed LGBT rights [are] not an issue in the country which is struggling with widespread poverty, faltering democracy, rampant corruption and a fast developing economy.’³⁶
- 5.3.6 According to the BSWs 2013 Annual Report, a change in attitudes among the general population towards sexual orientation and gender identity issues had ‘already started and [was] progressing toward [a] positive direction.’³⁷ However, the BSWs 2015 Annual Report noted that problems still existed: ‘The rights of gender diversified population in Bangladesh are pointed [sic] by homophobia, stigma and social discrimination...’³⁸

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6. Attitudes of, and treatment by, state authorities

- 6.1.1 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)

³³ LGBT Weekly, Bangladesh ‘surreptitiously’ holds its first Gay Pride rally, 18 April 2014, <http://lgbtweekly.com/2014/04/18/bangladesh-%E2%80%98surreptitiously%E2%80%99-holds-its-first-gay-pride-rally/>, date accessed 10 June 2016.

³⁴ Dhaka Tribune, LGB community feels conflict in faith, lack of confidence, 19 December 2014, <http://www.dhakatribune.com/bangladesh/2014/dec/19/lgb-community-feels-conflict-faith-lack-confidence>, date accessed 10 June 2016.

³⁵ Immigration and Refugee Board of Canada, Bangladesh: ‘Treatment of homosexuals including legislation, availability of state protection and support services’, 19 July 2010, <http://www.refworld.org/docid/4dd1122f2.html>, date accessed 10 June 2016.

³⁶ Brooklyn Community Pride Center, ‘LGBT Movement in Bangladesh’, 23 October 2013, available at <http://www.eventbrite.com/e/lgbt-movement-in-bangladesh-tickets-8635586271>, date accessed 10 June 2016.

³⁷ Bandhu Social Welfare Society, ‘The Vibes and Vows: Annual Report 2013’, July 2014, <http://www.bandhu-bd.org/wp-content/uploads/2013/12/Annual-Report-2013-of-BSWS.pdf> page 7, date accessed 10 June 2016.

³⁸ Bandhu Social Welfare Society 2015 Annual Report, <http://www.bandhu-bd.org/wp-content/uploads/2013/12/Annual-Report-2015-of-Bandhu.pdf>, date accessed 8 October 2016

recommendations for LGBT rights, stating that “It goes against our values and laws, and we cannot endorse it”.³⁹

- 6.1.2 In 2013, at the 24th Regular Session of the UN Human Rights Council’s Universal Periodic Review (UPR), the Government of Bangladesh rejected a recommendation to abolish Section 377 of the Penal Code.⁴⁰
- 6.1.3 Human Rights Watch stated in a press release of 26 April 2016:
‘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.’⁴¹ (CPIT was unable to find a copy of this ‘manual’ on the National Human Rights Commission website.)
- 6.1.4 As reported in The Daily Star 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. 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.’⁴² Under Section 54 of the CCP 1898, individuals may be arrested without a warrant.⁴³
- 6.1.5 Referring to Section 54, the Global Human Rights Development (GHRD) report of 2015 stated that:
‘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 and provide regulation on arrest without cause, imprisonment and handling of suspects by law enforcement agencies. 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 access to public cruising areas are physically assaulted and forcefully removed from public spaces by law enforcement agencies.’

³⁹ Dhaka Tribune, ‘Bangladesh opposes ICPD’s LGBT rights move’, 14 September 2014, <http://www.dhakatribune.com/law-rights/2014/sep/14/bangladesh-opposes-icpd%E2%80%99s-lgbt-rights-move>, date accessed 21 June 2016.

⁴⁰ ILGA, Government of Bangladesh Rejects Call To Decriminalize Homosexuality, 25 September 2013, <http://ilga.org/government-of-bangladesh-rejects-call-to-decriminalize-homosexuality/>, date accessed 21 June 2016.

⁴¹ Human Rights Watch, ‘Bangladesh: Investigate LGBT murders’, 26 April 2016 6 October 2016 <https://www.hrw.org/news/2016/04/26/bangladesh-investigate-lgbt-murders> date accessed

⁴² The Daily Star, ‘Sexual minorities being harassed’, 12 December 2014, <http://www.thedailystar.net/sexual-minorities-being-harassed-54988>, date accessed 2 August 2016.

⁴³ The Code of Criminal Procedure, 1898, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=75, date accessed 2 August 2016.

'Another piece of legislation used to make arbitrary arrests is the Vagrants and Shelterless Persons (Rehabilitation) Act 2011. The law enforcements agencies were given the authority to arrest "vagrants" and hold them for up to two years in rehabilitation centres where the detainees are required to join a rehabilitation program. However, the legislation is instead used to carry out arbitrary arrests targeted at sex workers and MSM.'⁴⁴

6.1.6 Following the murders of 2 gay rights activists, Xulhaz Mannan and Mahbub Tonoy, in Dhaka on 25 April 2016 (see [Violence perpetrated by extremist groups](#)), 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".⁴⁵

6.1.7 The Telegraph also reported that the murdered activists were too scared to report the death threats they had received to the police for fear of retribution. Xulhaz had also expressed concern about the safety of other gay activists.⁴⁶

6.1.8 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."⁴⁷

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6.2 Gay and bisexual men

6.2.1 As noted in the section on [Legal rights](#), the US Department of State, in its 2015 Country Report on Human Rights Practices (USSD 2015 Report), noted that Section 377 of the Penal Code 'was not enforced'.⁴⁸ Freedom House

⁴⁴ Global Human Rights Defence, 'The Invisible Minority: The Situation of LGBT Community in Bangladesh', 17 June 2015, http://www.ghrd.org/fileadmin/user_upload/LGBT_Report.pdf, page 13, date accessed 2 August 2016.

⁴⁵ The Telegraph, 'Murdered Bangladeshi gay activists were afraid to seek police protection despite death threats', 26 April 2016, <http://www.telegraph.co.uk/news/2016/04/26/murdered-bangladeshi-gay-activists-were-afraid-to-see-police-pr/>, date accessed 22 June 2016.

⁴⁶ The Telegraph, 'Murdered Bangladeshi gay activists were afraid to seek police protection despite death threats', 26 April 2016, <http://www.telegraph.co.uk/news/2016/04/26/murdered-bangladeshi-gay-activists-were-afraid-to-see-police-pr/>, date accessed 22 June 2016.

⁴⁷ Reuters, 'Militant attacks force Bangladesh's gay community into hiding', 18 May 2016, <http://www.reuters.com/article/us-bangladesh-islamists-lgbt-idUSKCN0Y82PU>, date accessed 2 August 2016.

⁴⁸ US Department of State, 'Country Report on Human Rights Practices for 2014: Bangladesh', 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252959>, section 6, date accessed 10 June 2016.

stated in a 2016 report: 'A criminal ban on same-sex sexual acts is rarely enforced...'⁴⁹

- 6.2.2 According to the USSD 2015 Report, 'Lesbian, gay, bisexual, transgender, and intersex (LGBTI) groups reported police used the law as a pretext to bully LGBTI individuals, particularly those seen as effeminate men. Some groups also reported harassment under a suspicious behavior provision of the police code. According to 'views adopted' by the UN Human Rights Committee 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.'⁵⁰

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6.3 Lesbians and bisexual women

- 6.3.1 BBC News reported on the case of a lesbian couple, Sanjida, aged 21, and Puja, aged 16, who eloped and had a traditional marriage ceremony at a Hindu temple complex in July 2013. Puja's father reported her missing to the police and Sanjida was arrested and charged with abducting a minor. Sanjida was remanded in custody for two and half months and subjected to a degrading gender inspection before being released on bail, while Puja was returned to her family. The director of the Bandhu Welfare Society commented, "Because there is no precedent of such a case of two women – let alone from Hindu-Muslim background – running away together and claiming that they have married, the police and even Sanjida's lawyers didn't know at first how to deal with it."⁵¹ According to Gay Star News, 'A case was filed against them under Section 290 for unsocial activities. Section 290 relates to "offences affecting the public health, safety, convenience, decency and morals" and states: "Whoever commits a public nuisance in any case not otherwise punishable by this code, shall be punished with fine which may extend to two hundred taka" (US \$2.59 ...).'⁵² The BBC article of 28 January 2016 made no mention of charges being filed under Section 290 of the Penal Code⁵³ and CPIT was unable to find any other reports from principal sources corroborating this information from Gay Star News.

⁴⁹ Freedom House, Freedom in the World 2016 - Bangladesh, 24 May 2016, available at: <http://www.refworld.org/docid/574d829b11.html>, date accessed 10 June 2016.

⁵⁰ UN Human Rights Committee (HRC), Communication no. 2149/2012: Human Rights Committee: views adopted by the Committee at its 108th session, 8-26 July 2013, 26 September 2013, CCPR/C/108/D/2149/2012, available at: <http://www.refworld.org/docid/5264f1c74.html>, paragraph 3.2, date accessed 10 June 2016.

⁵¹ BBC News, Arrested after falling for another woman, 28 January 2016, <http://www.bbc.co.uk/news/magazine-35412388>, date accessed 21 June 2016.

⁵² Gay Star News, Bangladesh jails 'married' lesbian couple, 1 October 2013, <http://www.gaystarnews.com/article/bangladesh-jails-married-lesbian-couple011013/#gs.Z11v8aQ>, date accessed 10 October 2016

⁵³ BBC News, Arrested after falling for another woman, 28 January 2016, <http://www.bbc.co.uk/news/magazine-35412388>, date accessed 6 November 2016.

6.4 Transgender persons

6.4.1 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 ‘... 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.’ Some hijras claimed they were harassed by the police, who used the Section 377 of the Penal Code ‘as a tool for extortion’.⁵⁴

6.4.2 Partha Sarker of Bytes for All Bangladesh wrote, in the Global Information Society Watch 2015 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.’ She 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.’⁵⁵

6.4.3 The Bandhu Social Welfare Society recorded in their 2015 Annual Report: ‘As a part of Bandhu’s Policy and Advocacy initiatives over the last couple of years, it has been actively working with National Human Rights Commission, Govt of Bangladesh and Other relevant stake holders on the issue around health and human rights and employment opportunities of Hijra population. [T]he Govt of Bangladesh has decided to recruit Hijra population as Traffic Police Officials from the next fiscal year... A meeting of the Cabinet Committee on Social Safety Net, chaired by Finance Minister, reached this decision on 19 May 2015 ... [This] decision will also encourage national level organizations and [the] private sector to consider creating employment provision for them.’⁵⁶

6.4.4 Human Rights Watch stated in their World Report 2016, published 27 January 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 rights: Transgender persons](#))

‘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

⁵⁴ Global Human Rights Defence, ‘The Invisible Minority: The Situation of LGBT Community in Bangladesh’, 17 June 2015, http://www.ghrd.org/fileadmin/user_upload/LGBT_Report.pdf, pages 20-21, date accessed 2 August 2016.

⁵⁵ Sarker, P., Global Information Society Watch 2015 Sexual Rights and the Internet, Bangladesh country report, The “third gender” in Bangladesh, <https://www.giswatch.org/sites/default/files/gw2015-bangladesh.pdf>, page 62, date accessed 17 June 2016.

⁵⁶ Bandhu Social Welfare Society 2015 Annual Report <http://www.bandhu-bd.org/wp-content/uploads/2013/12/Annual-Report-2015-of-Bandhu.pdf>, date accessed 20 September 2016

humiliating questions about their bodies, and some reported that the physicians in charge of the exams called them “disgusting” and then 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.’⁵⁷

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7. Societal treatment and attitudes

- 7.1.1 The USSD 2015 Report stated that ‘attacks on LGBT persons occurred occasionally, but those offenses were difficult to document because victims desired confidentiality.’⁵⁸
- 7.1.2 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 gay 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.⁵⁹
- 7.1.3 The Bandhu Social Welfare Society, observed in its 2010 annual report, that there is ‘... extralegal and extrajudicial violation of rights, and a great amount of stigma and discrimination, but there is a gradual opening up of spaces, improvement of understanding, and development of sexual minority movement which should improve the living conditions of sexual minorities.’⁶⁰
- 7.1.4 In December 2014 the Dhaka Tribune reported on a survey conducted by Boys of Bangladesh and Roopban (a gay community magazine) among 751 self-identified LGB persons, as part of a Needs Assessment survey. The survey showed that 59 per cent of respondents never faced discrimination but 25.8 per cent did face discrimination, while more than 50 per cent said they lived in constant fear of their sexual orientation being discovered. According to the Tribune there was speculation that respondents were largely from the middle class. Polled individuals came from eight major cities across the country, including 250 from Dhaka. The average age of those surveyed was 25.⁶¹

⁵⁷ Human Rights Watch, World Report 2016 - Bangladesh, 27 January 2016, available at: <http://www.refworld.org/docid/56bd995315.html> date accessed 10 October 2016

⁵⁸ US Department of State, Country Report on Human Rights Practices for 2014: Bangladesh, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252959>, section 6, date accessed 10 June 2016.

⁵⁹ Global Human Rights Defence, ‘The Invisible Minority: The Situation of LGBT Community in Bangladesh’, 17 June 2015, http://www.ghrd.org/fileadmin/user_upload/LGBT_Report.pdf, page 20, date accessed 2 August 2016.

⁶⁰ Bandhu Social Welfare Society, Annual Report 2010, cited in CORI Country Report Bangladesh, March 2012, available at <http://www.refworld.org/pdfid/50618c6f2.pdf>, page 166, date accessed 10 June 2016.

⁶¹ Dhaka Tribune, LGB community feels conflict in faith, lack of confidence, 19 December 2014, <http://www.dhakatribune.com/bangladesh/2014/dec/19/lgb-community-feels-conflict-faith-lack->

7.1.5 The USSD 2015 Report noted that ‘Strong social stigma based on sexual orientation was common and prevented open discussion of the subject’ adding that ‘Some public events, such as a rainbow-themed march during the capital’s main Bengali new year’s celebration, elicited little reaction from mainstream society.’⁶²

7.1.6 Freedom House, in its 2015 report, noted that ‘...societal discrimination [against LGBT persons] remains the norm.’⁶³

7.1.7 As reported by Human Rights Watch in April 2016:

‘Human Rights Watch 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).’⁶⁴

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7.2 Gay and bisexual men

7.2.1 The Immigration and Refugee Board of Canada, in a research response of 2010, referred to the records of the Bandhu Social Welfare Society as showing that ‘physical assault or beating was the primary form of violence experienced by MSM [men who have sex with men]. The main perpetrators of violence were local thugs or “mastans”.’⁶⁵

7.2.2 The Bandhu Social Welfare Society, in its 2010 annual report, claimed that ‘social attitudes ... in particular towards feminized males, leaves them as prior victims of abuse and harassment leading to physical, psychological, social, economical and emotional problems which further increases vulnerability and social exclusion.’⁶⁶

[confidence](#), date accessed 10 June 2016.

⁶² US Department of State, Country Report on Human Rights Practices for 2015: Bangladesh, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252959>, section 6, date accessed 10 June 2016.

⁶³ Freedom House, Freedom in the World 2016 - Bangladesh, 24 May 2016, available at: <http://www.refworld.org/docid/574d829b11.html>, date accessed 10 June 2016.

⁶⁴ Human Rights Watch, Bangladesh: Investigate LGBT murders, 26 April 2016, <https://www.hrw.org/news/2016/04/26/bangladesh-investigate-lgbt-murders>, date accessed 29 June 2016.

⁶⁵ Immigration and Refugee Board of Canada, Bangladesh: Treatment of homosexuals including legislation, availability of state protection and support services, 19 July 2010, <http://www.refworld.org/docid/4dd1122f2.html>, date accessed 10 June 2016.

⁶⁶ Bandhu Social Welfare Society, Annual Report 2010, cited in CORI Country Report Bangladesh, March 2012, available at <http://www.refworld.org/pdfid/50618c6f2.pdf>, page 165, date accessed 10 June 2016.

7.2.3 The BSWs' 2013 report observed that the 'non-recognition of full civil and political rights of LGBT in Bangladesh is worsened by this homophobia, stigma and social discrimination. These things together with illegality (section 377) further result [in] social exclusion and create psychical, social, psychological, legal harassment and mental disorders.'⁶⁷

7.2.4 A publication in February 2011 by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) noted, 'Some gay men who inform their families about their sexual orientation are forced into heterosexual marriages.'⁶⁸

7.3 Violence perpetrated by extremist groups

7.3.1 On 25 April 2016 gay rights activists Xulhaz Mannan and Mahbub Rabbi Tonoy were murdered 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 was also 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 that the two men were killed for being "pioneers of practicing and promoting homosexuality in Bangladesh."⁶⁹

7.3.2 BDnews24.com reported on 5 August 2016 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),⁷⁰ had been arrested in May 2016.⁷¹

7.3.3 Following the 25 April 2016 murders, Reuters interviewed eight 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.'⁷²

See also [Attitudes of, and treatment by, state authorities](#)

⁶⁷ Bandhu Social Welfare Society, 'The Vibes and Vows: Annual Report 2013', July 2014, http://www.bandhu-bd.org/mwg-internal/de5fs23hu73ds/progress?id=hVq_TcS8SsUCL-7U-Eo-L-nlkzPZnWBcUzNi3bbn62s, page 15, date accessed 10 June 2016.

⁶⁸ ILGA 'Homophobic tendencies still abound in South Asia', 11 February 2011, <http://ilga.org/homophobic-tendencies-still-abound-in-south-asia/>, date accessed 10 June 2016.

⁶⁹ BDnews24.com, 'Five identified' in Xulhaz, Tonoy killing', 5 August 2016 updated 6 August 2016, <http://bdnews24.com/bangladesh/2016/08/05/five-identified-in-xulhaz-tonoy-killing> date accessed 16 August 2016

⁷⁰ BDnews24.com, 'Five identified' in Xulhaz, Tonoy killing', 5 August 2016 updated 6 August 2016, <http://bdnews24.com/bangladesh/2016/08/05/five-identified-in-xulhaz-tonoy-killing> date accessed 16 August 2016

⁷¹ BBC News, Bangladesh: Man held over murders of LGBT activists, 15 May 2016, <http://www.bbc.co.uk/news/world-asia-36297110>, date accessed 29 June 2016.

⁷² Reuters, 'Militant attacks force Bangladesh's gay community into hiding', 18 May 2016, <http://www.reuters.com/article/us-bangladesh-islamists-lgbt-idUSKCN0Y82PU>, date accessed 2 August 2016.

7.4 Lesbians and bisexual women

7.4.1 A 2012 research report 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. 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 as a result of the woman’s sexual orientation. Physical violence from same-sex intimate partners was also reported.⁷³

7.4.2 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.’⁷⁴

7.4.3 A report published in the open access journal *Sociology and Criminology* in June 2016, covering domestic violence against women in the rural areas of Bangladesh, quoted as follows from a book published in 2013 by RT 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

⁷³ Rashid. S., Daruwalla. N., Puri. M., et al., Count Me In! research report: violence against disabled, lesbian, and sex-working women in Bangladesh, India, and Nepal, 2012, CREA, available at <http://www.creaworld.org/sites/default/files/The%20Count%20Me%20In!%20Research%20Report.pdf>, pages 91-92, date accessed 22 June 2016.

⁷⁴ Rashid. S., Daruwalla. N., Puri. M., et al., Count Me In! research report: violence against disabled, lesbian, and sex-working women in Bangladesh, India, and Nepal, 2012, CREA, available at <http://www.creaworld.org/sites/default/files/The%20Count%20Me%20In!%20Research%20Report.pdf>, pages 93, date accessed 22 June 2016.

lesbians being beaten, raped, impregnated or married, and attacked by family members to punish [their] sexual identity.’⁷⁵

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7.5 Transgender persons

7.5.1 The Canadian IRB, in July 2010, noted that hijras, eunuchs, intersex, transsexual and transgender people were ‘particularly vulnerable to mistreatment and harassment.’ In terms of mistreatment, ‘second to physical violence was rape/forced sex, followed by forced eviction from public spaces. The main perpetrators of violence are local thugs or mastans, followed closely by members of law enforcement agencies, primarily the police.’ This source also referred to ‘harassment by vigilante groups and the issuance of local fatwas against the LGBT community.’ Regarding the perpetrators of such harassment, the source reflected that ‘harassment by the local population is relatively less common’ than by mastans (thugs) and the police, ‘though not entirely absent.’⁷⁶

7.5.2 The NGO FHI 360 stated in an April 2013 report that ‘Hijra in particular face stigma and discrimination throughout all parts of their lives, including potential exclusion by family members, difficulties finding and maintaining romantic relationships, and difficulty securing employment. They also face forced sex at early ages, usually by men they know...’⁷⁷

7.5.3 As stated in the Global Human Rights Defence (GHRD) 2015 report on the LGBT community in Bangladesh:

‘Due to cultural and religious beliefs, Hijras are recognised as semi-sacred individuals who can bestow fertility, prosperity and health upon a newborn and its family. Unfortunately, this status has an insidious aspect: it dehumanises Hijras by removing all other aspects of their identity, leading to Hijras being subjected to violence, discrimination and inequality. Hijras are treated as outcasts and are often targets of human rights violations. Many do not have access to a proper source of income and cannot hold mainstream jobs due to social stigma and the lack of access to education. As a consequence of the marginalisation faced, Hijras are largely a closed community.’⁷⁸

⁷⁵ Sociology and Criminology, The Impact of Domestic Violence on Women: A Case Study of Rural Bangladesh, 17 June 2016, <http://www.esciencecentral.org/journals/the-impact-of-domestic-violence-on-women-a-case-study-of-ruralbangladesh-2375-4435-1000135.php?aid=75937>, date accessed 10 October 2016

⁷⁶ Immigration and Refugee Board of Canada, Bangladesh: Treatment of homosexuals including legislation, availability of state protection and support services, 19 July 2010, available at: <http://www.refworld.org/docid/4dd1122f2.html>, date accessed 10 June 2016.

⁷⁷ FHI 360, Exploring Gender Based Violence Among Men Who Have Sex With Men (MSM), Male Sex Worker (MSW) and Transgender (TG) Communities in Bangladesh and Papua New Guinea, April 2013, https://www.fhi360.org/sites/default/files/media/documents/GBV%20Study%20report_Final.pdf, date accessed 10 October 2016

⁷⁸ Global Human Rights Defence, ‘The Invisible Minority: The Situation of LGBT Community in Bangladesh’, 17 June 2015, http://www.ghrd.org/fileadmin/user_upload/LGBT_Report.pdf, page 7, date accessed 2 August 2016.

7.5.4 The same source described the term Kothi, noting that it was ‘... 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.’⁷⁹

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7.6 Gay ‘scene’ and community

7.6.1 The USSD Report 2015 observed that there were ‘several informal support networks for gays, but organizations specifically to assist lesbians were rare.’⁸⁰ The Bandhu Social Welfare Society has noted, ‘Like most other sexual minorities in Bangladesh, those lesbians who are capable of organizing themselves and/or accessing lesbian support structures belongs mainly to the metropolitan centers of Bangladesh.’⁸¹

7.6.2 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 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.’⁸²

7.6.3 There are a few associations supporting / advocating for LGBT persons including, for example:

[Boys of Bangladesh](#) (primarily serving gay and bisexual men);

[Sakhiyani](#) (online group for lesbians and bisexual women);

[Shustha Jibon](#) (transgender people).

⁷⁹ Global Human Rights Defence, ‘The Invisible Minority: The Situation of LGBT Community in Bangladesh’, 17 June 2015, http://www.ghrd.org/fileadmin/user_upload/LGBT_Report.pdf, page 8, date accessed 2 August 2016.

⁸⁰ US Department of State, Country Report on Human Rights Practices for 2015: Bangladesh, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252959>, section 6, date accessed 10 June 2016.

⁸¹ Bandhu Social Welfare Society, Annual Report 2010, cited in CORI Country Report Bangladesh, March 2012, available at <http://www.refworld.org/pdfid/50618c6f2.pdf>, page 166, date accessed 10 June 2016.

⁸² Global Human Rights Defence, ‘The Invisible Minority: The Situation of LGBT Community in Bangladesh’, 17 June 2015, http://www.ghrd.org/fileadmin/user_upload/LGBT_Report.pdf, page 20, date accessed 2 August 2016.

- 7.6.4 The OFPRA report published in June 2015 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.’⁸³
- 7.6.5 The Bandhu Social Welfare Society, in its 2010 Annual Report, observed:
‘A kothi and/or a transgender/hijra is usually found at public cruising areas, and/or venues for public sex work. ... Gay men often do not access public cruising areas, they seem to instead use other mediums like the Internet and gay specific socializing venues to meet other gay men. A much higher number of hijras, kothis, and bisexual identified individuals have reported that their economic status has been adversely affected because of either their sexuality or their gender identity.’⁸⁴
- 7.6.6 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. The rally, which promotes LGBT rights, had been held in Dhaka alongside Bengali New Year celebrations in 2014 and 2015. The event organisers agreed to cancel the event.⁸⁵ According to reports, four LGBT campaigners were arrested whilst taking part in a traditional procession to celebrate the Bengali New Year in April 2016. According to police, the four were held after attempting to hold the Rainbow Rally after permission for that event was denied.⁸⁶
- 7.6.7 The Daily Star (of Bangladesh) reported on Hijra Pride 2014, in commemoration of hijras being recognised as a third gender in 2013.⁸⁷ 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.⁸⁸

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8. Access to services

- 8.1.1 The Bandhu Social Welfare Society (BSWS), a Bangladeshi NGO supporting human rights and providing services for sexual minorities – primarily men who have sex with men (MSM), male sex workers (MSW), and hijras – works in 21

⁸³ France: Office français de protection des réfugiés et apatrides (OFPRA), Report on the mission to the People's Republic of Bangladesh, June 2015, <http://www.refworld.org/docid/577ccdf44.html>, date accessed 8 October 2016

⁸⁴ Bandhu Social Welfare Society, Annual Report 2010, cited in CORI Country Report Bangladesh, March 2012, available at <http://www.refworld.org/pdfid/50618cf2.pdf>, page 166, date accessed 10 June 2016.

⁸⁵ Agence France Presse, Bangladesh ‘rainbow rally’ cancelled over permit issues, 13 April 2016, available at <http://www.breitbart.com/news/bangladesh-rainbow-rally-cancelled-over-permit-issues/>, date accessed 29 June 2016.

⁸⁶ Erasing 76 Crimes, Four arrests of LGBT activists at Bangladesh celebration, 14 April 2016, <https://76crimes.com/2016/04/14/four-arrests-of-lgbt-activists-at-bangladesh-celebration/>, date accessed 29 June 2016.

⁸⁷ Daily Star, Celebration of the third gender, 1 September 2015, <http://www.thedailystar.net/op-ed/politics/celebration-the-third-gender-135667>, date accessed 17 June 2016.

⁸⁸ Bandhu Social Welfare Society, Hijra Pride 2014, 29 December 2014, <http://www.bandhu-bd.org/hijra-pride-2014/>, date accessed 17 June 2016.

districts of the country and is registered with the Social Welfare Ministry. BSWs also provides information, support and health care in its 39 field offices/male health centres. A BSWs national resource centre in Dhaka provides information and support to other organisations working for and with sexual minorities in Bangladesh.⁸⁹

- 8.1.2 According to the survey of 751 self-identified LGB persons in 2014 (see [Societal treatment and attitudes](#)), of the 25.8 per cent who stated they faced discrimination, 'a higher percentage' said they either had no knowledge of or no access to legal support.⁹⁰

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8.2 Health care

- 8.2.1 The USSD 2015 Report 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. Gender norms sometimes prevented women from accessing HIV information and services. According to the People Living with HIV Stigma Index, HIV-positive persons at times faced social ostracism, detention, and denial of inheritance rights.'⁹¹

- 8.2.2 A report published by FHI 360 in April 2013 noted that 'hijra face forced sex at early ages, usually by men they know, and because doctors do not understand hijra people or fear being associated with them, hijra do not have adequate access to healthcare.'⁹²

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⁸⁹ Bandhu Social Welfare Society, Profile, undated, <http://www.bandhu-bd.org/wp-content/uploads/2015/09/BSWS-Profile.pdf>, date accessed 17 June 2016.

⁹⁰ Dhaka Tribune, LGB community feels conflict in faith, lack of confidence, 19 December 2014, <http://www.dhakatribune.com/bangladesh/2014/dec/19/lgb-community-feels-conflict-faith-lack-confidence>, date accessed 10 June 2016.

⁹¹ US Department of State, Country Report on Human Rights Practices for 2015: Bangladesh, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252959>, section 6, date accessed 10 June 2016.

⁹² FHI 360, Exploring Gender Based Violence Among Men Who Have Sex With Men (MSM), Male Sex Worker (MSW) and Transgender (TG) Communities in Bangladesh and Papua New Guinea, April 2013, https://www.fhi360.org/sites/default/files/media/documents/GBV%20Study%20report_Final.pdf, date accessed 10 October 2016

Version Control and Contacts

Contacts

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Clearance

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