



**Bangladesh – Researched and compiled by the Refugee Documentation Centre of Ireland on 27 January 2014**

**State protection for homosexuals in terms of legal remedies and police action against Taliban attacks.**

The most recent UK Home Office country report for Bangladesh, in a section titled “Sexual orientation and gender identity” (sub-section headed “Legal rights”, paragraph 21.01), states:

“The International Lesbian Gay Bisexual Trans and Intersex Association (ILGA) Report on State-Sponsored Homophobia, 2013, dated 13 May 2013, stated that both same sex male and female sexual relationships are illegal in Bangladesh. It sets out the law thus:

Penal Code, 1860 (Act XLV of 1860)

Section 377 ‘Unnatural Offences’

‘Whoever voluntarily 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 [a] fine.

Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.” (UK Home Office (31 August 2013) *Bangladesh: Country of Origin Information (COI) Report*)

A report jointly submitted by Boys of Bangladesh, Creating Resources through Empowerment and Action and the Sexual Rights Initiative to the United Nations 4th Universal Periodic Review, in a section titled “Discrimination and Violence based on sexual orientation and gender identity” (paragraph 9), states:

“Gross violations of rights have often been reported in the forms of abduction, arbitrary arrests, detention, beatings and gang rape by the law enforcing agencies and local thugs. Particularly Hijra, Kothi and other ‘effeminate’ males are often vulnerable to these forms of violence.” (Boys of Bangladesh / Creating Resources through Empowerment and Action / Sexual Rights Initiative (undated) *Joint UPR Submission on Sexual Orientation and Gender Identity in Bangladesh 16th Session of the Universal Periodic Review – 2013*, p.5)

An Immigration and Refugee Board of Canada response to a request for information on the treatment of homosexuals in Bangladesh, in a section headed “State Protection”, states:

“In December 2008 while many other countries signed a United Nations (UN) declaration affirming that international human rights include sexual orientation and gender identity, Bangladesh was one of 57 countries to sign a counter-statement read by Syria that expressed serious concerns about granting rights to ‘certain persons on the grounds of their sexual interest and behaviours’ and among other things suggested that protection of sexual orientation could lead to the normalization of paedophilia. In its factsheet on HIV/AIDS in Bangladesh, APCOM provides estimates and statistics on MSM in Bangladesh and notes that there are no anti-discrimination laws that would protect them. This is corroborated by ASK’s 2008 annual report which states that there is no ‘specific protection against discrimination for example on the grounds of sexual orientation’. The AI Researcher stated that state protection for homosexuals who are victims of violence or subject to threats is unlikely and that in fact, such a request could be seen as a confession to a possible criminal offence.” (Immigration and Refugee Board of Canada (19 July 2010) *BGD103390.E – Bangladesh: Treatment of homosexuals including legislation, availability of state protection and support services*)

An Australian Government Refugee Review Tribunal country advice document, in response to the question “Is the current system of police protection in Dhaka regarded as non discriminatory?”, states:

“The current system of police protection in Dhaka is regarded as discriminatory. Sources indicate the system discriminates against people who are poor or politically weak. As a result, access to state protection cannot be guaranteed for individuals lacking the ability to pay bribes or wield political influence.” (Australian Government Refugee Review Tribunal (9 July 2010) *Bangladesh – BGD36801 – interfaith relationships – First Information Reports – police protection in Dhaka*, p.5)

An International Crisis Group Report, in a section titled Executive Summary and Recommendations”, states:

“After decades of misuse and neglect, Bangladesh’s police are a source of instability and fear rather than a key component of a democratic society. Human rights abuses are endemic and almost all Bangladeshis who interact with the police complain of corruption.” (International Crisis Group (11 December 2009) *Bangladesh: Getting Police Reform on Track*)

This section also states:

“Life in the police force is difficult and unrewarding for most officers. Working conditions are deplorable. Many officers are overworked, the transfer system has become a major source of corruption within and out of the police, and salaries are abysmal, even by local standards. Pay raises and promotions are infrequent and do almost nothing to improve the lives of officers or promote competency in the force. Without improved salaries and working conditions, no amount of oversight will help curb the corruption and malaise that is rife in the police.” (ibid)

In a section titled “Politicising The Police” this report states:

“Political and bureaucratic interference are the most significant impediments to police efficiency and have resulted in the worst forms of abuse including

illegal detention, death in custody, torture and pervasive corruption. The result is almost universal public disdain for the police force. A former IGP explained that this sentiment is certainly justified: 'Most of the perceptions of the police being unresponsive to the public, politicised and involved in human rights abuses and corruption are true.'" (ibid, p14)

An Asian Human Rights Commission report states:

"Bangladesh's law-enforcement agents have a reputation for abusing authority through coercive means. They are and have been the hired thugs of all the ruling regimes. Policing in the country is an industry of producing victims of torture and fabrication of criminal charges against civilians and political opponents since long. Corruption has replaced the chain of command within the police. The constant failure of the police to credibly investigate crimes is the single largest impediment within the criminal justice administration in the country." (Asian Human Rights Commission (9 August 2012) *Bangladesh: People pay more to the police than to their government*)

This report also states:

"Any hawker, from those who sell peanuts or candy squatting in a footpath or moving around in streets or public parks, must bribe the police routinely, failing which the police would fabricate false charges against the hawker. Likewise, the illegal drug-peddlers or arms dealers bribe the police to sustain their business. Officers who are responsible for maintaining road traffic demand and accept bribes from drivers and transport company owners. If a case of traffic accident were to be registered the complainant should bribe the officer and if the accused pays higher amount to the police, the police could shift burdens of the accused and the complaint as the officer chooses. Most officers own assets disproportionate to their legitimate source of income. Many officers to avoid problems maintain these assets in the names of their relatives." (ibid)

A South Asia Terrorism Portal document on the activities of the Taliban-inspired group Harkat-ul-Jihad-al Islami Bangladesh (HuJI-B), in a paragraph headed "Objectives and Ideology", states:

"HuJI-B aims to establish Islamic Hukumat (rule) in Bangladesh by waging war and killing progressive intellectuals. It draws inspiration from bin Laden and the erstwhile Taliban regime of Afghanistan. At one point of time, the groups issued a slogan, Amra Sobai Hobo Taliban, Bangla Hobe Afghanistan (We will all become Taliban and we will turn Bangladesh into Afghanistan). HuJI-B recruits are indoctrinated in the mould of radical Islam. (South Asia Terrorism Portal (19 January 2014) *Harkat-ul-Jihad-al Islami Bangladesh (HuJI-B) Terrorist Group, Bangladesh*)

A Hindustan Times article states:

"As per available data in the open media the Harkat-ul-Jihad-al-Islami (HuJI) is a Pakistan-based terrorist group with an affiliate in Bangladesh. Its origin is traced to the Soviet-Afghan war. Qari Saifullah Akhtar along with two of his associates, Maulana Irshad Ahmed and Maulana Abdus Samad Sial found this terror group. Towards the end of its Afghanistan engagement, the JAA rechristened itself as HuJI and reoriented its strategy to fight for the cause of

fellow Muslims in Jammu and Kashmir. The HuJI continued to exist after the Soviet withdrawal from Afghanistan in 1989 by merging with another Pakistani militant group known as the Harkat-ul-Mujahideen, to form the Harkat-ul-Ansar which subsequently began terrorist operations in J&K. In order to avoid the ramifications of the US designation of Harkat-ul-Ansar as a Foreign Terrorist Organization in 1997, it renamed itself as Harkat-ul-Mujahideen in certain areas while its Bangladesh-based unit (formed in 1992) came to be known as the HuJI Bangladesh (HuJI-B)." (Hindustan Times (4 September 2010) *Delayed recognition of HuJI's terror agenda*)

An article from the Bangladeshi weekly newspaper Weekly Blitz states:

"The rise of such forces that advocate theocratic religious universalism and the creation of an Islamic state did not happen overnight, of course. The interplay between religion and politics in Bangladesh has a long history, and religion has always been susceptible to politicization. The trend is not just pushed along by organized radical groups such as the Hizbut Tahrir, Hizbut Towhid and the Harkat-ul-Jihad-al Islami, Bangladesh [HuJI-B], which aim to replace the parliamentary democracy with an Islamic Sharia state. The leading political parties, many foreign-linked charities and non-governmental organizations, and the external environment are all playing a significant role in promoting religious radicalism." (Weekly Blitz (19 August 2011) *Al Qaeda pall under microscope in Bangladesh*)

An Agence France Presse report states:

"Bangladesh Islamic groups called Monday for a nationwide protest against Muhammad Yunus over comments in 2012 supporting gay rights, in the latest attack against the Nobel laureate and micro-loan pioneer. The country's main mosque and an Islamic group with links to the government have launched a campaign against Yunus, whom they say should be prosecuted for supporting homosexuals in this deeply conservative Muslim country. Hundreds of imams, many of whom are on the government's payroll, are expected to take part in the peaceful street protests on Tuesday, according to organisers, who claim rallies will be held in 600 towns across the country. 'Yunus must apologise for supporting homosexuality or he must be prosecuted for standing against the Koran and Islam,' an organiser, Maolana Moniruzzaman Rabbani, told AFP on Monday." (Agence France Presse (13 September 2013) *Bangladesh protest plans over Nobel laureate's gay rights comments*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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