



Home Office

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

Version 3.0

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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

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

Feedback

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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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Policy guidance

Updated: 16 November 2017

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.

1.2 Points to note

1.2.1 This note provides policy guidance on the general situation of gay men, lesbians, bisexuals and transgender persons (including hijras). They are referred collectively as 'LGBT persons', though the experiences of each group may differ.

1.2.2 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, may be different from other LGBT groups. However, not all transgender persons are hijras, even though they may be viewed as such.

1.2.3 Decision makers must refer to the Asylum Instructions on [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 information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#). Decision makers must also refer to the Asylum Instructions 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](#)).

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2.2 Particular social group

2.2.1 LGBT persons in Bangladesh form a particular social group (PSG) 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 their identity or conscience that they should not be forced to renounce it, and have a distinct identity which is perceived as being different by the surrounding society.

2.2.2 Although LGBT persons in Bangladesh form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to

be addressed 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

a. General points

- 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 a 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.
- 2.3.2 If this will simply be in response to social pressures or for cultural or religious 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 religious pressures.
- 2.3.3 But if a material reason why the person will live discreetly is that they genuinely fear that otherwise they will be persecuted, it will be necessary to consider whether that fear is well-founded.
- 2.3.4 See the Asylum Instruction on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

b. State treatment

- 2.3.5 Section 377 of the Penal Code does not explicitly refer to homosexuality, but 'carnal intercourse against the order of nature'. This interpretation includes sex between men and is punishable by life imprisonment or a shorter period of imprisonment. Sources report 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 context](#)).
- 2.3.6 In November 2013, Bangladesh officially recognised the hijra population, allowing hijras to identify as a 'third gender' on passports and other official government documents although, as of August 2017, a third gender category had not yet been included on the National Identity card. The government 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 context](#), [Law in practice](#) and [State attitudes and treatment](#)).
- 2.3.7 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 arrest, harass, intimidate and extort LGBT

persons, primarily gay men and hijra. There have also been reports of physical and sexual assaults by police against LGBT persons (see [Law in practice](#) and [State attitudes and treatment](#)).

- 2.3.8 While same-sex sexual activity between men is illegal, the state rarely arrests and prosecutes gay and bisexual men. However other laws are sometimes used as pretext to arrest, harass, intimidate and ill-treat gay (and bi-) men and hijra, particularly those who are sex workers. Sources do not indicate that the state harasses or arrests and prosecutes lesbian or bisexual women, trans persons who are not hijra, or LGBT activists or advocates.
- 2.3.9 In general, the available evidence does not establish that LGBT persons are systematically targeted and subject to treatment amounting to persecution or serious harm by the state. However, each case must be considered on its merits with the onus on the person to demonstrate that they would be risk.

c. Societal treatment

- 2.3.10 Bangladesh is a conservative society in which homophobic attitudes persist. LGBT persons face societal discrimination as well as family and societal pressure to conform to cultural and religious norms, including marriage. Strong social stigma about sexual orientation prevented discussion of LGBT rights (see [Societal attitudes and treatment](#)).
- 2.3.11 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 and sometimes formally renounce her as a member of that family. Women are less able than men to withstand family pressure to marry because of their position in society generally, and their movements outside of their homes may be restricted by their families, particularly if they live in rural areas (see [Societal norms - marriage](#) and the country policy and information note on [Bangladesh: Women](#)).
- 2.3.12 There have been some reports of violent behaviour towards LGBT persons, who are open about their sexual orientation or gender identity, and rights activists by non-state actors. Among the perpetrators are 'mastans' (local thugs), family members and Islamist groups. Hijras are often seen as outcasts and are subject to violence and discrimination from various societal actors (see [Societal violence and discrimination](#)).
- 2.3.13 Various sources maintain that LGBT persons are, in general, reluctant to be open about their sexuality, although persons from a higher socio-economic background may 'come out' to their family or friends. Reasons for not being open may include conforming to societal norms and fear of discrimination and/or violence (see [Public opinion](#), [societal norms - marriage](#) and [Societal violence and discrimination](#)).
- 2.3.14 There is an indication that the rise in social media has led to an increase in hate speech against LGBT people. Whilst there are support groups for LGBT persons, some have reduced their activities following the murder of two gay rights activists in 2016 (see [Public opinion](#) and [Violence perpetrated by extremist groups](#)).
- 2.3.15 There is evidence that the LGBT 'community' is closed and private. Informal networking takes place at private parties and other venues (though more so

for gay men), 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 reported (see [Gay 'scene', 'community' and activists](#)).

- 2.3.16 In general, LGBT persons are not open due to social stigma, pressures and norms, and to avoid a level of discrimination and violence arising from this. LGBT persons who openly express their sexual orientation or gender identity are likely to be socially excluded, receive threats of violence and, in some cases (particularly gay men), 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 geography and socio-economic status (see [Societal attitudes and treatment](#) and [Societal violence and discrimination](#)).
- 2.3.17 Therefore, in general, an LGBT person who does not conceal their sexual orientation or gender identity may be at risk of treatment, which by its nature and repetition amounts to persecution or serious harm (see [Societal violence and discrimination](#)). LGBT rights activists and bloggers may be at greater risk due to their profile (see [Gay 'scene', 'community' and activists and Violence perpetrated by extremist groups](#)). However, each case must be considered on its facts with the onus on the person to demonstrate why their particular circumstances would put them at real risk from non-state actors.
- 2.3.18 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.3.19 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](#).

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2.4 Protection

- 2.4.1 Where the person's fear is of persecution and/or serious harm by the state, they will not be able to obtain protection.
- 2.4.2 Where the person's fear is of persecution and/or serious harm from non-state actors, decision makers must assess whether the state can provide effective protection.
- 2.4.3 Some sources 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. LGBT persons from influential families may be able to access protection (see [Police responses to reports of anti-LGBT violence](#) and [Societal attitudes and treatment](#)).
- 2.4.4 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. There is some evidence of the authorities taking appropriate action. For example, the police are reported to have investigated the murder of two gay rights activists in 2016,

and one arrest was made (see [Police responses to reports of anti-LGBT violence](#) and [Violence perpetrated by extremist groups](#)).

- 2.4.5 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 will need to be considered on its facts.
- 2.4.6 See also the country policy and information notes on [Bangladesh: Background information including actors of protection and internal relocation](#) and [Bangladesh: Women](#).
- 2.4.7 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Internal relocation

- 2.5.1 Where the person's fear is of persecution and/or serious harm by the state, relocation to escape that risk is unlikely to be reasonable.
- 2.5.2 In the case of a lesbian or bisexual woman who has chosen to live discreetly due to social or religious pressures, whether relocation is reasonable will be a question of fact. This will depend largely on the ability of the lone woman and, where relevant, her partner, to survive economically away from family and social networks (see also the country policy and information note on [Bangladesh: Women](#)).
- 2.5.3 It would not, in general, be unreasonable for a gay man, who has chosen to live discreetly due to social or religious pressures, to relocate internally within Bangladesh. However, 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.
- 2.5.4 See also the country policy and information note on [Bangladesh: Background information including actors of protection and internal relocation](#).
- 2.5.5 For further guidance on internal relocation and the factors to consider, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.5.6 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](#).

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2.6 Certification

- 2.6.1 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.
- 2.6.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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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. Sex between women is not criminalised and transgender persons (hijras) are legally recognised. There are, however, reports that Section 377, together with other legal instruments, have sometimes been used by the police to arbitrarily arrest, harass and intimidate LGBT persons. There have also been reports police use physical and sexual violence against LGBT persons.

- 3.1.2 However, in general, the available evidence does not establish that LGBT persons are systematically targeted and subject to treatment amounting to persecution or serious harm by the state.
- 3.1.3 Reports indicate that LGBT persons are reluctant to be open about their sexual identity due to social stigma, pressures and norms, and to avoid a level of discrimination and violence by non-state actors, including family members and Islamic extremists, arising from this. Similarly, the LGBT 'community' is closed and private.
- 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 In general, an LGBT person who does not conceal their sexual orientation or gender identity may be at risk of treatment, which by its nature and repetition amounts to persecution or serious harm. The nature and degree of treatment may vary according to geography and socio-economic status. Gay rights activists and bloggers may be at greater risk due to their profile. Each case must be considered on its facts and merits.
- 3.1.6 In general, the state appears able but unwilling to offer effective protection. However, each will need to be considered on its facts.
- 3.1.7 Internal relocation may be reasonable depending on the person's individual circumstances, for example: where they have chosen to live discreetly due to social or religious pressures. However, 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.
- 3.1.8 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded'.

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Country information

Updated: 16 November 2017

4. Legal context

4.1 Constitution

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 children².

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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.'³

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4.3 Lesbians and bisexual women

4.3.1 In 2017 ILGA indicated that female-female sexual activity was not a criminal offence under existing penal law⁴. 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'⁵.

¹ Constitution of the People's Republic of Bangladesh, (Articles 27 and 28), 1972, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367. Accessed 1 August 2017

² International Lesbian, Gay, Bisexual, Trans and Intersex Association: Carroll, A. and Mendos, L.R., 'State Sponsored Homophobia 2017: A world survey of sexual orientation laws: criminalisation, protection and recognition', (pages 47, 68, 71 and 73), May 2017, http://ilga.org/downloads/2017/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf. Accessed: 1 August 2017

³ 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. Accessed: 1 August 2017

⁴ ILGA: Carroll, A. and Mendos, L.R., 'State Sponsored Homophobia 2017: A world survey of sexual orientation laws: criminalisation, protection and recognition', (page 122), May 2017, http://ilga.org/downloads/2017/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf. Accessed: 1 August 2017

⁵ Human Dignity Trust, 'Breaking the Silence: Criminalization of Lesbians and Bisexual Women and its Impacts', (page 36, Appendix A: Countries where lesbians and bisexual women are criminalised), May 2016, http://www.humandignitytrust.org/uploaded/Library/Other_Material/Breaking_the_Silence-

4.4 Transgender persons – hijras

- 4.4.1 Hijras can fall under the umbrella term transgender⁶ but not all transgender persons are hijras, even though they may be viewed as such⁷.
- 4.4.2 In November 2013, the Bangladesh government granted hijras legal status as members of a ‘third gender’⁸. 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’⁹. On 16 January 2014, the government issued a Gazette notification to this effect¹⁰.
- 4.4.3 According to a Global Human Rights Defence 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 report¹¹. The Independent (Bangladesh) reported 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) card¹². During a Home Office Fact-Finding Mission (FFM) to Bangladesh, conducted in May 2017, two sources noted that hijras’ status as a ‘third gender’, recognised by the Government, is not reflected on their documentation such as passports and National ID cards¹³.
- 4.4.4 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.’¹⁴ (CPIT was unable to find corroborating evidence on this point, nor any information on a case in

[Criminalisation of LB Women and its Impacts-FINAL.pdf](#). Accessed: 1 August 2017

⁶ BBC, ‘The semi-sacred ‘third gender’ of South Asia’, 20 July 2017, <http://www.bbc.com/culture/story/20170720-the-semi-sacred-third-gender-of-south-asia>. Accessed: 5 September 2017

⁷ UK Home Office, ‘Report of a Home Office Fact-Finding Mission to Bangladesh’, conducted 14-26 May 2017, (paragraph 7.4.1), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 18 September 2017

⁸ ILGA: Carroll, A. and Mendos, L.R., ‘State Sponsored Homophobia 2017: A world survey of sexual orientation laws: criminalisation, protection and recognition’, (page 121), May 2017, http://ilga.org/downloads/2017/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf. Accessed: 1 August 2017

⁹ 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. Accessed: 1 August 2017

¹⁰ The Independent (UNB News agency), ‘Hijras’ third gender identity virtually remains unrecognised’, 24 July 2016 <http://www.theindependentbd.com/printversion/details/52545>. Accessed: 1 August 2017

¹¹ Global Human Rights Defence, ‘The Invisible Minority: The Situation of LGBT Community in Bangladesh’, (page 12), 17 June 2015, http://www.ghrd.org/fileadmin/user_upload/LGBT_Report.pdf; Bandhu Social Welfare Society, ‘Third gender is not a word, it is a Gender’, 7 June 2015, <http://www.bandhu-bd.org/third-gender-is-not-a-word-it-is-a-gender/>. Accessed: 15 August 2017

¹² The Independent (UNB News agency), ‘Hijras’ third gender identity virtually remains unrecognised’, 24 July 2016 <http://www.theindependentbd.com/printversion/details/52545>. Accessed: 15 August 2017

¹³ UK Home Office, ‘Report of a Home Office Fact-Finding Mission to Bangladesh’, conducted 14-26 May 2017, (paragraph 7.4.2), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 18 September 2017

¹⁴ 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. Accessed: 15 August 2017

which a hijra was convicted following a consensual sexual ‘relationship with another member of the same sex’.)

- 4.4.5 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.’¹⁵

See [Societal norms – gender](#) for further information on hijra.

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4.5 Other transgender persons

- 4.5.1 Information and legislation on transgender persons outside of the hijra community could not be found among sources consulted by CPIT within the time constraints of producing this note.

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4.6 Other legal provisions affecting LGBT persons

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

‘Article 86 of the [Dhaka Metropolitan Police Ordinance]¹⁶, 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.’¹⁷

- 4.6.2 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 2015¹⁸.

- 4.6.3 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

¹⁵ Bandhu Social Welfare Society 2015 Annual Report, <http://www.bandhu-bd.org/wp-content/uploads/2013/12/Annual-Report-2015-of-Bandhu.pdf>. Accessed: 15 August 2017

¹⁶ Dhaka Metropolitan Police Ordinance, 1976, http://bdlaws.minlaw.gov.bd/sections_detail.php?id=511§ions_id=13765. Accessed: 15 August 2017

¹⁷ France: Office français de protection des réfugiés et apatrides (OFPRA), ‘Report on the mission to the People’s Republic of Bangladesh’, (page 41), June 2015, <http://www.refworld.org/docid/577ccdf44.html>. Accessed: 15 August 2017

¹⁸ France: Office français de protection des réfugiés et apatrides (OFPRA), ‘Report on the mission to the People’s Republic of Bangladesh’, (page 41), June 2015, <http://www.refworld.org/docid/577ccdf44.html>. Accessed: 15 August 2017

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.’¹⁹

- 4.6.4 The Vagrants and Shelterless Persons (Rehabilitation) Act 2011 was reportedly used to carry out arbitrary arrests targeted at sex workers and MSM²⁰ (see also [Arrests and detention](#)).

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4.7 Sharia

- 4.7.1 Nearly 90 per cent of Bangladesh’s population is Muslim²¹, and sexual activity of any nature outside of a (heterosexual) marriage is prohibited under Sharia²².

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5. Law in practice

- 5.1.1 The Kaleidoscope Trust 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.’²³ 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.’²⁴ The US Department of State, in its 2016 Country Report on Human Rights Practices (USSD 2016 Report), noted that Section 377 of the Penal Code ‘was not enforced’²⁵. Freedom House also stated in a 2017 report that Section 377 was rarely enforced²⁶.

¹⁹ Global Human Rights Defence, ‘The Invisible Minority: The Situation of LGBT Community in Bangladesh’, (page 13), 17 June 2015, http://www.ghrd.org/fileadmin/user_upload/LGBT_Report.pdf. Accessed: 15 August 2017

²⁰ Global Human Rights Defence, ‘The Invisible Minority: The Situation of LGBT Community in Bangladesh’, (page 13), 17 June 2015, http://www.ghrd.org/fileadmin/user_upload/LGBT_Report.pdf. Accessed: 2 August 2017.

²¹ CIA, ‘The World Factbook, Bangladesh’, (People and society), updated 1 August 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>. Accessed: 15 August 2017

²² Joint United Nations Programme on HIV/AIDS (UNAIDS), ‘HIV and Men who have Sex with Men in Asia and the Pacific’, (page 29), September 2006, http://data.unaids.org/Publications/IRC-pub07/jc901-msm-asiapacific_en.pdf. Accessed: 1 August 2017

²³ Kaleidoscope Trust in association with Kaleidoscope Australia Human Rights Foundation, ‘Speaking Out 2015: The Rights of LGBTI People across the Commonwealth’, (page 40), 2015, http://kaleidoscopetrust.com/usr/library/documents/main/2015_speakingout_241115_web.pdf. Accessed: 1 August 2017

²⁴ France: Office français de protection des réfugiés et apatrides (OFPRA), ‘Report on the mission to the People’s Republic of Bangladesh’, (page 40), June 2015, <http://www.refworld.org/docid/577ccdf44.html>. Accessed: 1 August 2017

²⁵ US Department of State, ‘Country Report on Human Rights Practices for 2016’ (Section 6), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 1 August 2017

²⁶ Freedom House, ‘Freedom in the World 2017 – Bangladesh’, (F. Rule of law), 2 June 2017, <https://freedomhouse.org/report/freedom-world/2017/bangladesh>. Accessed: 15 August 2017

- 5.1.2 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.'²⁷ According to the USSD 2016 Report, 'Lesbian, gay, bisexual, transgender, and intersex (LGBTI) groups reported police used the law as a pretext to bully LGBTI individuals, including those considered effeminate regardless of their sexual orientation, as well as to limit registration of LGBTI organizations. Some groups also reported harassment under a suspicious behavior provision of the police code.'²⁸
- 5.1.3 During the Home Office FFM to Bangladesh in May 2017, two sources noted that people were unlikely to be charged under Section 377; rather, other laws, such as drug laws, were used against LGBT people²⁹ (see also [Arrests and detention](#) and [Arrest of LGBT persons and prosecutions for other offences](#)).

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6. State attitudes and treatment

6.1 Arrests and detention

- 6.1.1 Human Rights Watch 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.'³⁰ (CPIT was unable to find a copy of this 'manual' on the National Human Rights Commission website.)
- 6.1.2 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.'³¹ Under Section 54

²⁷ UN Human Rights Committee (HRC), 'Communication no. 2149/2012: Human Rights Committee: views adopted by the Committee at its 108th session', (paragraph 3.2), 8-26 July 2013, 26 September 2013, CCPR/C/108/D/2149/2012, available at: <http://www.refworld.org/docid/5264f1c74.html>.

Accessed: 15 August 2017

²⁸ US Department of State, 'Country Report on Human Rights Practices for 2016' (Section 6), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>.

Accessed: 1 August 2017

²⁹ UK Home Office, 'Report of a Home Office Fact-Finding Mission to Bangladesh', conducted 14-26 May 2017, (paragraph 7.3.2), published September 2017,

<https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>.

Accessed: 18 September 2017

³⁰ Human Rights Watch, 'Bangladesh: Investigate LGBT murders', 26 April 2016,

<https://www.hrw.org/news/2016/04/26/bangladesh-investigate-lgbt-murders>. Accessed: 15 August 2017

³¹ The Daily Star, 'Sexual minorities being harassed', 12 December 2014,

<http://www.thedailystar.net/sexual-minorities-being-harassed-54988>. Accessed: 15 August 2017

of the CCP 1898, individuals may be arrested without a warrant.³² Lawyers consulted during the Home Office FFM to Bangladesh in May 2017 did not consider that Section 54 was used disproportionately against LGBT persons³³.

6.1.3 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.

‘Another piece of legislation used to make arbitrary arrests is the Vagrants and Shelterless Persons (Rehabilitation) Act 2011. The law enforcement 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.’³⁴

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6.2 Arrest of LGBT persons and prosecutions for other offences

6.2.1 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.”³⁵ According to Gay Star News, ‘A case was

³² The Code of Criminal Procedure, 1898, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=75. Accessed: 2 August 2017

³³ UK Home Office, ‘Report of a Home Office Fact-Finding Mission to Bangladesh’, conducted 14-26 May 2017, (page 78), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 18 September 2017

³⁴ Global Human Rights Defence, ‘The Invisible Minority: The Situation of LGBT Community in Bangladesh’, (page 13), 17 June 2015, http://www.ghrd.org/fileadmin/user_upload/LGBT_Report.pdf. Accessed: 2 August 2017.

³⁵ BBC News, Arrested after falling for another woman, 28 January 2016, <http://www.bbc.co.uk/news/magazine-35412388>. Accessed: 15 August 2017.

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 ...).³⁶ The BBC article of 28 January 2016 made no mention of charges being filed under Section 290 of the Penal Code³⁷ and CPIT was unable to find any other reports from principal sources corroborating this information from Gay Star News.

- 6.2.2 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). According to 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 possession³⁸. Local media reportedly published information on the men’s identities after the police held a press conference and outed them as ‘homosexual men’³⁹.
- 6.2.3 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 offences⁴⁰. The men were later freed and, according to Amnesty International ‘... do not appear to be facing imminent danger any longer.’⁴¹

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6.3 Police violence

- 6.3.1 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

³⁶ Gay Star News, Bangladesh jails ‘married’ lesbian couple, 1 October 2013, <http://www.gaystarnews.com/article/bangladesh-jails-married-lesbian-couple011013/#gs.Z1v8aQ>. Accessed: 15 August 2017

³⁷ BBC News, Arrested after falling for another woman, 28 January 2016, <http://www.bbc.co.uk/news/magazine-35412388>. Accessed: 15 August 2017

³⁸ The Independent, ‘Bangladesh authorities arrest 27 men on suspicion of being gay’, 19 May 2017, <http://www.independent.co.uk/news/world/asia/bangladesh-authorities-arrest-27-men-gay-homosexuality-muslim-country-islam-police-charge-a7744366.html>; The Washington Post, ‘Police just arrested 27 men ‘for homosexuality’ in Bangladesh’, 19 May 2017, https://www.washingtonpost.com/news/worldviews/wp/2017/05/19/police-just-arrested-27-men-for-homosexuality-in-bangladesh/?utm_term=.a2e72c727bb0

³⁹ Human Rights Campaign, ‘HRC Outraged at Bangladesh Arrests, Outing of 28 Men’, 22 May 2017, <http://www.hrc.org/blog/hrc-outraged-at-bangladesh-arrests-outing-of-28-men>. Accessed: 22 August 2017

⁴⁰ UK Home Office, ‘Report of a Home Office Fact-Finding Mission to Bangladesh’, conducted 14-26 May 2017, (paragraph 7.3.2), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 18 September 2017

⁴¹ Amnesty International, ‘Bangladesh: 28 men suspected of being gay freed’, 11 August 2017, <https://www.amnesty.org.nz/bangladesh-28-men-suspected-being-gay-freed>. Accessed: 16 November 2017

hijras claimed they were harassed by the police, who used the Section 377 of the Penal Code ‘as a tool for extortion’⁴².

6.3.2 In July 2016 Australia’s Department for Foreign Affairs and Trade (DFAT) gave its assessment on LGBT persons in Bangladesh, stating that: ‘... LGBTI individuals – particularly gay men - face a high risk of official discrimination because of their sexual orientation or gender identity, which may include being harassed, extorted, or denied police protection. Even if legal punishments and prosecutions are rare, the illegality of homosexual acts under the Criminal Code can be used as a means of harassment.’⁴³

6.3.3 During the Home Office FFM to Bangladesh in May 2017, Boys of Bangladesh referred to ‘extreme cases’ of hijras being beaten by the police. 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. 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’⁴⁴.

6.3.4 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 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.’⁴⁵

See [Arrests and detention](#).

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6.4 Police responses to reports of anti-LGBT violence

6.4.1 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

⁴² Global Human Rights Defence, ‘The Invisible Minority: The Situation of LGBT Community in Bangladesh’, (pages 20-21), 17 June 2015, http://www.ghrd.org/fileadmin/user_upload/LGBT_Report.pdf. Accessed: 2 August 2017

⁴³ Australian Government, Department of Foreign Affairs and Trade, ‘DFAT Country Information Report Bangladesh’, (paragraph 3.82), 5 July 2016, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-bangladesh.pdf>. Accessed: 6 September 2017

⁴⁴ UK Home Office, ‘Report of a Home Office Fact-Finding Mission to Bangladesh’, conducted 14-26 May 2017, (paragraph 7.8.1 and page 87), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 18 September 2017

⁴⁵ Amnesty International, ‘Bangladesh: 28 men suspected of being gay freed’, 11 August 2017, <https://www.amnesty.org.nz/bangladesh-28-men-suspected-being-gay-freed>. Accessed: 16 November 2017

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”.⁴⁶

- 6.4.2 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 activists⁴⁷.
- 6.4.3 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”⁴⁸. According to Western officials consulted during the Home Office FFM to Bangladesh in May 2017, the murder of Xulhaz and Mahbub had not yet been solved and no arrests had been made⁴⁹. The New York Times reported in June 2017 that one arrest had been made but there was no further progress in the case a year after the murders⁵⁰ (see [Violence perpetrated by extremist groups](#)).
- 6.4.4 DFAT noted in July 2016 ‘Many gay men – including LGBTI activists and non-activists - have reportedly received threats of violence and have been unwilling or unable to approach police for support.’⁵¹ 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’⁵².

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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-seek-police-pr/>. Accessed: 15 August 2017

⁴⁷ 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-seek-police-pr/>. Accessed: 15 August 2017

⁴⁸ Reuters, ‘Militant attacks force Bangladesh’s gay community into hiding’, 18 May 2016, <http://www.reuters.com/article/us-bangladesh-islamists-lgbt-idUSKCN0Y82PU>. Accessed 2 August 2017

⁴⁹ UK Home Office, ‘Report of a Home Office Fact-Finding Mission to Bangladesh’, conducted 14-26 May 2017, (paragraph 7.7.3), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 18 September 2017

⁵⁰ The New York Times, ‘No Country for Bangladesh’s Gay Men’, 30 June 2017, <https://www.nytimes.com/2017/06/30/opinion/bangladesh-lgbt-gay.html>. Accessed: 29 August 2017

⁵¹ Australian Government, Department of Foreign Affairs and Trade, ‘DFAT Country Information Report Bangladesh’, (paragraph 3.81), 5 July 2016, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-bangladesh.pdf>. Accessed: 6 September 2017

⁵² UK Home Office, ‘Report of a Home Office Fact-Finding Mission to Bangladesh’, conducted 14-26 May 2017, (paragraph 7.10.1), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 18 September 2017

6.5 Public statements by government officials

- 6.5.1 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"⁵³.
- 6.5.2 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 Code⁵⁴.
- 6.5.3 The ILGA report of 2017 stated:
'While referencing family values at its 2nd cycle UPR in April 2013, the Bangladeshi Minister for Foreign Affairs concurred with the newly-found position of the National Human Rights Commission that LGBT people should be protected from violence and discrimination in law. However, throughout 2016 the levels of violence and threat from religious radicals that LGBT people have been exposed to have exponentially risen, and the State has not offered protection. As such, many have been forced to leave their homes and flee the country for fear if their lives.'⁵⁵ (see also [Legal context](#), [Police responses to reports of anti-LGBT violence](#), [Violence and discrimination](#) and [Violence perpetrated by extremist groups](#)).
- 6.5.4 The ILGA report also noted '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... Bangladesh's 3rd cycle UPR will be in January 2018.'⁵⁶

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7. Societal attitudes and treatment

7.1 Societal norms – gender

7.1.1 The 2015 OFPRA FFM Report 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

⁵³ 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>. Accessed: 15 August 2017

⁵⁴ ILGA, 'Government of Bangladesh Rejects Call To Decriminalize Homosexuality', 25 September 2013, <http://ilga.org/government-of-bangladesh-rejects-call-to-decriminalize-homosexuality/>. Accessed: 15 August 2017

⁵⁵ ILGA: Carroll, A. and Mendos, L.R., 'State Sponsored Homophobia 2017: A world survey of sexual orientation laws: criminalisation, protection and recognition', (page 122), May 2017, http://ilga.org/downloads/2017/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf. Accessed: 1 August 2017

⁵⁶ ILGA: Carroll, A. and Mendos, L.R., 'State Sponsored Homophobia 2017: A world survey of sexual orientation laws: criminalisation, protection and recognition', (page 122), May 2017, http://ilga.org/downloads/2017/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf. Accessed: 1 August 2017

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.’⁵⁷

- 7.1.2 The Bandhu Social Welfare Society (BSWS), 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.’⁵⁸

For information on women in general see the country policy and information note on [Bangladesh: Women](#).

- 7.1.3 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^{59 60}. 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.⁶¹

- 7.1.4 See also [Legal context](#).

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7.2 Societal norms – marriage

- 7.2.1 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.

⁵⁷ France: Office français de protection des réfugiés et apatrides (OFPRA), ‘Report on the mission to the People’s Republic of Bangladesh’, (page 41), June 2015, <http://www.refworld.org/docid/577ccdf44.html>. Accessed: 15 August 2017

⁵⁸ Bandhu Social Welfare Society, Annual Report 2010, cited in CORI Country Report Bangladesh, (page 166), March 2012, available at <http://www.refworld.org/pdfid/50618c6f2.pdf>. Accessed: 15 August 2017

⁵⁹ Nanda. S., ‘Neither Man nor Woman: The Hijras of India’, (Chapter 2: The Hijra as Neither Man nor Woman), Second edition, 1999, https://petervas.files.wordpress.com/2013/03/serena_nanda.pdf. Accessed: 15 August 2017

⁶⁰ 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. Accessed: 15 August 2017

⁶¹ 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. Accessed: 15 August 2017

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.'⁶²

- 7.2.2 The BSWs has reported that the law was 'used by social institutions including families to harass [LGBT persons] and compel them into heterosexual marriages.'⁶³ 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.'⁶⁴
- 7.2.3 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.'⁶⁵
- 7.2.4 Sources consulted during the Home Office FFM to Bangladesh in May 2017 observed that there were differences in treatment between men and women. For example, 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. Two sources suggested that lesbians may be forced into marriage. The same two sources also noted that men who have sex with men (MSM) were tolerated if they marry and bear children⁶⁶.

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7.3 Public opinion

- 7.3.1 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 publicly,

⁶² Bandhu Social Welfare Society, Annual Report 2010, cited in CORI Country Report Bangladesh, (pages 166-167), March 2012, available at <http://www.refworld.org/pdfid/50618c6f2.pdf>. Accessed: 15 August 2017.

⁶³ Bandhu Social Welfare Society, Annual Report 2010, cited in CORI Country Report Bangladesh, (page 164), March 2012, available at <http://www.refworld.org/pdfid/50618c6f2.pdf>. Accessed 15 August 2017

⁶⁴ ILGA 'Homophobic tendencies still abound in South Asia', 11 February 2011, <http://ilga.org/homophobic-tendencies-still-abound-in-south-asia/>. Accessed: 15 August 2017

⁶⁵ Kaleidoscope Trust, 'Speaking Out 2015: The Rights of LGBTI People across the Commonwealth', (page 40), November 2015, http://kaleidoscopetrust.com/usr/library/documents/main/2015_speakingout_241115_web.pdf. Accessed: 15 August 2017

⁶⁶ UK Home Office, 'Report of a Home Office Fact-Finding Mission to Bangladesh', conducted 14-26 May 2017, (paragraphs 7.2.2 and 7.6.2), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 18 September 2017

sharing a bed and going on trips with a man ‘cast no doubt upon... presumed heterosexual identities...’⁶⁷

- 7.3.2 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.’⁶⁸
- 7.3.3 The gay-rights publication LGBT Weekly noted in April 2014 that ‘any discussion around sex and sexuality is taboo.’⁶⁹ 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 out⁷⁰.
- 7.3.4 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.’⁷¹
- 7.3.5 DFAT noted in its July 2016 report that ‘The level and frequency of harassment [of LGBT persons] depends largely on an individual’s socioeconomic status and their geographic location’, whilst adding ‘... credible sources have told DFAT that lesbian, gay, bisexual, transgender ... and intersex (LGBTI) persons are not able to be open about their sexual orientation or gender identity, regardless of their socioeconomic status or geographic location.’⁷² 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, and that being gay was culturally unacceptable. An official at the National Human Rights Commission (NHRC) said that some people may be able to ‘come out’ to close family and friends,

⁶⁷ 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>. Accessed: 15 August 2017

⁶⁸ Brooklyn Community Pride Center, ‘LGBT Movement in Bangladesh’, 23 October 2013, available at <http://www.eventbrite.com/e/lgbt-movement-in-bangladesh-tickets-8635586271>. Accessed: 15 August 2017

⁶⁹ 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/>. Accessed: 15 August 2017

⁷⁰ 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>. Accessed: 15 August 2017

⁷¹ 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>. Accessed: 15 August 2017

⁷² Australian Government, Department of Foreign Affairs and Trade, ‘DFAT Country Information Report Bangladesh’, (paragraphs 3.78-3.79), 5 July 2016, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-bangladesh.pdf>. Accessed: 6 September 2017

particularly in upper-middle class families (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 discrimination against the LGBT community was greater in urban areas as society were more aware of differences.⁷³

- 7.3.6 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.’⁷⁴ 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...’⁷⁵
- 7.3.7 See also [Gay ‘scene’, ‘community’ and activists](#).

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8. Societal violence and discrimination

8.1 General comments

- 8.1.1 The USSD 2015 Report stated that ‘Attacks on LGBTI persons occurred occasionally, but those offenses were difficult to document because victims desired confidentiality.’⁷⁶ The USSD 2016 Report noted that LGBT persons ‘... regularly received threatening messages via telephone, text, and social media.’⁷⁷ Freedom House, in its 2017 report, noted that ‘...societal discrimination [against LGBT persons] remains the norm.’⁷⁸
- 8.1.2 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.⁷⁹ (see [State attitudes and treatment](#)). According to the survey of 751 self-identified LGB persons in 2014, of the 25.8 per cent who stated they faced discrimination, ‘a higher

⁷³ UK Home Office, ‘Report of a Home Office Fact-Finding Mission to Bangladesh’, conducted 14-26 May 2017, (paragraphs 7.2.1 and 7.9.1, and pages 73, 111 and 118), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 18 September 2017

⁷⁴ Bandhu Social Welfare Society, ‘The Vibes and Vows: Annual Report 2013’, (page 7), July 2014, <http://www.bandhu-bd.org/wp-content/uploads/2013/12/Annual-Report-2013-of-BSWS.pdf>. Accessed: 15 August 2017

⁷⁵ Bandhu Social Welfare Society, ‘Annual Report 2015’, (page 21), June 2016, <http://www.bandhu-bd.org/wp-content/uploads/2013/12/Annual-Report-2015-of-Bandhu.pdf>. Accessed: 15 August 2017

⁷⁶ US Department of State, ‘Country Report on Human Rights Practices for 2015’ (Section 6), 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252959>, Accessed: 10 June 2016.

⁷⁷ US Department of State, ‘Country Report on Human Rights Practices for 2016’ (Section 6), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 1 August 2017

⁷⁸ Freedom House, ‘Freedom in the World 2017 – Bangladesh’, (F. Rule of law), 2 June 2017, <https://freedomhouse.org/report/freedom-world/2017/bangladesh>. Accessed: 15 August 2017

⁷⁹ Global Human Rights Defence, ‘The Invisible Minority: The Situation of LGBT Community in Bangladesh’, (page 20), 17 June 2015, http://www.ghrd.org/fileadmin/user_upload/LGBT_Report.pdf. Accessed: 2 August 2016

percentage' said they either had no knowledge of or no access to legal support.⁸⁰

- 8.1.3 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 25.⁸¹
- 8.1.4 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.'⁸² (see [Pro-LGBT marches/gay pride](#)).
- 8.1.5 In April 2016, Human Rights Watch 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).⁸³
- 8.1.6 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 issues⁸⁴.

See also [Gay 'scene', 'community' and activists](#).

⁸⁰ 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>. Accessed: 15 August 2017

⁸¹ 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>. Accessed: 15 August 2017

⁸² US Department of State, 'Country Report on Human Rights Practices for 2015' (Section 6), 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252959>. Accessed: 15 August 2017

⁸³ Human Rights Watch, 'Bangladesh: Investigate LGBT murders', 26 April 2016, <https://www.hrw.org/news/2016/04/26/bangladesh-investigate-lgbt-murders>. Accessed: 15 August 2017

⁸⁴ UK Home Office, 'Report of a Home Office Fact-Finding Mission to Bangladesh', conducted 14-26 May 2017, (page 54), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 18 September 2017

8.2 Societal violence and discrimination towards gay and bisexual men

- 8.2.1 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”.’⁸⁵
- 8.2.2 The Bandhu Social Welfare Society (BSWS), 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.’⁸⁶
- 8.2.3 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.’⁸⁷
- 8.2.4 In July 2016 Australia’s Department for Foreign Affairs and Trade (DFAT) gave its assessment on LGBT persons in Bangladesh, stating that ‘... LGBTI individuals – particularly gay men - face a high risk of societal discrimination in Bangladesh because widespread traditional views about sexuality and gender continue to restrict their participation in the community and workforce. Visible gay men face a high risk of violence, including being killed.’⁸⁸

See [Violence perpetrated by extremist groups](#).

8.3 Societal violence and discrimination towards lesbians and bisexual women

- 8.3.1 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

⁸⁵ 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>. Accessed: 15 August 2017

⁸⁶ Bandhu Social Welfare Society, Annual Report 2010, cited in CORI Country Report Bangladesh, (page 165), March 2012, available at <http://www.refworld.org/pdfid/50618c6f2.pdf>. Accessed: 15 August 2017

⁸⁷ Bandhu Social Welfare Society, ‘The Vibes and Vows: Annual Report 2013’, (page 15), July 2014, http://www.bandhu-bd.org/mwg-internal/de5fs23hu73ds/progress?id=hVq_TcS8SsUCL-7U-Eo-L-nlkzPZnWBcUzNi3bbn62s. Accessed: 15 August 2017

⁸⁸ Australian Government, Department of Foreign Affairs and Trade, ‘DFAT Country Information Report Bangladesh’, (paragraph 3.82), 5 July 2016, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-bangladesh.pdf>. Accessed: 6 September 2017

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 reported⁸⁹.

8.3.2 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.’⁹⁰

8.3.3 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 lesbians being beaten, raped, impregnated or married, and attacked by family members to punish [their] sexual identity.’⁹¹

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8.4 Societal violence and discrimination towards hijras

8.4.1 The Canadian IRB, in July 2010, citing various sources, 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

⁸⁹ 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’, (p91-92), 2012, CREA, available at:<http://www.creaworld.org/sites/default/files/The%20Count%20Me%20In!%20Research%20Report.pdf>. Accessed: 15 August 2017

⁹⁰ 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’, (p93), 2012, CREA, available at: <http://www.creaworld.org/sites/default/files/The%20Count%20Me%20In!%20Research%20Report.pdf>. Accessed: 15 August 2017

⁹¹ *Sociology and Criminology*, ‘The Impact of Domestic Violence on Women: A Case Study of Rural Bangladesh’, (page 4), 17 June 2016, <https://www.omicsonline.org/open-access/the-impact-of-domestic-violence-on-women-a-case-study-of-ruralbangladesh-2375-4435-1000135.pdf>. Accessed: 15 August 2017

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.’⁹² (see also [State attitudes and treatment](#)).

- 8.4.2 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...’⁹³
- 8.4.3 As stated in the Global Human Rights Defence (GHRD) 2015 report:
‘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.’⁹⁴
- 8.4.4 Sources consulted during the Home Office FFM to Bangladesh in May 2017 noted that hijras were often seen as a public nuisance or outcasts. An official at the National Human Rights Commission (NHRC) said that they were viewed as charity cases and that some allowances were made towards them by society. The gay rights group, Boys of Bangladesh, said hijras find it hard to get jobs and that many organisations were working with them. Members of the press claimed that there was Government assistance for hijras⁹⁵.
- 8.4.5 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.’⁹⁶

⁹² 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>. Accessed: 15 August 2017

⁹³ 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’, (page 11), April 2013, https://www.fhi360.org/sites/default/files/media/documents/GBV%20Study%20report_Final.pdf. Accessed: 15 August 2017

⁹⁴ Global Human Rights Defence, ‘The Invisible Minority: The Situation of LGBT Community in Bangladesh’, (page 7), 17 June 2015, http://www.ghrd.org/fileadmin/user_upload/LGBT_Report.pdf. Accessed: 2 August 2016

⁹⁵ UK Home Office, ‘Report of a Home Office Fact-Finding Mission to Bangladesh’, conducted 14-26 May 2017, (paragraph 7.4.3), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 18 September 2017

⁹⁶ Global Human Rights Defence, ‘The Invisible Minority: The Situation of LGBT Community in

8.5 Violence perpetrated by extremist groups

- 8.5.1 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.’⁹⁷
- 8.5.2 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 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.’⁹⁸
- 8.5.3 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)⁹⁹, had been arrested in May 2016¹⁰⁰.
- 8.5.4 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.’¹⁰¹

See also [Police responses to reports of anti-LGBT violence](#).

8.6 Pro-LGBT marches/gay pride

- 8.6.1 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

Bangladesh’, (page 8), 17 June 2015, http://www.ghrd.org/fileadmin/user_upload/LGBT_Report.pdf. Accessed: 2 August 2016

⁹⁷ ILGA: Carroll, A. and Mendos, L.R., ‘State Sponsored Homophobia 2017: A world survey of sexual orientation laws: criminalisation, protection and recognition’, (page 122), May 2017, http://ilga.org/downloads/2017/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf. Accessed: 1 August 2017

⁹⁸ 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>. Accessed: 15 August 2017

⁹⁹ 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>. Accessed: 15 August 2017

¹⁰⁰ BBC News, ‘Bangladesh: Man held over murders of LGBT activists’, 15 May 2016, <http://www.bbc.co.uk/news/world-asia-36297110>. Accessed: 15 August 2017

¹⁰¹ Reuters, ‘Militant attacks force Bangladesh’s gay community into hiding’, 18 May 2016, <http://www.reuters.com/article/us-bangladesh-islamists-lgbt-idUSKCN0Y82PU>. Accessed: 15 August 2017

Dhaka alongside Bengali New Year celebrations in 2014 and 2015. The event organisers agreed to cancel the event¹⁰². 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 denied¹⁰³.

- 8.6.2 The Daily Star (of Bangladesh) reported on Hijra Pride 2014, in commemoration of hijras being recognised as a third gender in 2013¹⁰⁴. 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 UNAIDS¹⁰⁵.

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8.7 Gay 'scene', 'community' and activists

- 8.7.1 The USSD Report 2016 observed that following the murder of the 2 gay rights activists (see [Violence perpetrated by extremist groups](#)), '... 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.'¹⁰⁶ The Bandhu Social Welfare Society 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.'¹⁰⁷
- 8.7.2 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

¹⁰² 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.

¹⁰³ 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/>. Accessed 15 August 2017

¹⁰⁴ Daily Star, 'Celebration of the third gender', 1 September 2015, <http://www.thedailystar.net/op-ed/politics/celebration-the-third-gender-135667>. Accessed: 15 August 2017

¹⁰⁵ Bandhu Social Welfare Society, 'Hijra Pride 2014', 29 December 2014, <http://www.bandhubd.org/hijra-pride-2014/>. Accessed: 15 August 2017

¹⁰⁶ US Department of State, 'Country Report on Human Rights Practices for 2016' (Section 6), 3 March 2017, <http://www.state.gov/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 1 August 2017

¹⁰⁷ Bandhu Social Welfare Society, Annual Report 2010, cited in CORI Country Report Bangladesh, (page 166), March 2012, available at <http://www.refworld.org/pdfid/50618c6f2.pdf>. Accessed: 15 August 2017

any networks in their areas which could connect them to the LGBT people in Dhaka.’¹⁰⁸

- 8.7.3 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.’¹⁰⁹ (See also [Arrest of LGBT persons and prosecutions for other offences](#)). 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. The NHRC added that online activism had increased over the past 5-6 years¹¹⁰ (see also [Public opinion](#)).
- 8.7.4 Several sources consulted during the FFM agreed that gay rights activists and bloggers were more at risk than ‘ordinary’ LGBT people. 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. Members of the press judged that Sylhet was riskier than Dhaka. Boys of Bangladesh claimed that within the last year more LGBT people have left Bangladesh because of the attack against gay activists in 2016¹¹¹ (see also [Violence perpetrated by extremist groups](#)).
- 8.7.5 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.’¹¹²

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8.8 Family treatment

- 8.8.1 In 2011, ‘Sam’, a self-described bisexual living in Dhaka, told The Rice Thresher, the official student newspaper at Rice University, Texas, “‘As long as you don't come out open to your family, you are safe [said Sam]” ... many

¹⁰⁸ Global Human Rights Defence, ‘The Invisible Minority: The Situation of LGBT Community in Bangladesh’, (page 20), 17 June 2015, http://www.ghrd.org/fileadmin/user_upload/LGBT_Report.pdf. Accessed: 15 August 2017

¹⁰⁹ France: Office français de protection des réfugiés et apatrides (OFPRA), ‘Report on the mission to the People's Republic of Bangladesh’, (page 43), June 2015, <http://www.refworld.org/docid/577ccdf44.html>. Accessed: 15 August 2017

¹¹⁰ UK Home Office, ‘Report of a Home Office Fact-Finding Mission to Bangladesh’, conducted 14-26 May 2017, (paragraphs 7.7.1-7.7.2), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 18 September 2017

¹¹¹ UK Home Office, ‘Report of a Home Office Fact-Finding Mission to Bangladesh’, conducted 14-26 May 2017, (paragraph 7.7.3 and page 66), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 18 September 2017

¹¹² Bandhu Social Welfare Society, Annual Report 2010, cited in CORI Country Report Bangladesh, (page 166), March 2012, available at <http://www.refworld.org/pdfid/50618c6f2.pdf>. Accessed: 15 August 2017

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.’¹¹³

- 8.8.2 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. Boys of Bangladesh claimed that it was a common experience for families to suggest psychiatric treatment to those who ‘come out’. Members of the press mentioned that families of LGBT people can also be targeted¹¹⁴.

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9. Access to services

9.1 Transgender persons – hijras

- 9.1.1 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’.¹¹⁵

- 9.1.2 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.’¹¹⁶

- 9.1.3 Human Rights Watch stated in their World Report 2016:

¹¹³ 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>.

Accessed: 15 August 2017

¹¹⁴ UK Home Office, ‘Report of a Home Office Fact-Finding Mission to Bangladesh’, conducted 14-26 May 2017, (paragraphs 7.2.1 and 7.9.1), published September 2017,

<https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>.

Accessed: 18 September 2017

¹¹⁵ Sarker, P., ‘Global Information Society Watch 2015 Sexual Rights and the Internet, Bangladesh country report, The “third gender” in Bangladesh’, (page 62),

<https://www.giswatch.org/sites/default/files/gw2015-bangladesh.pdf>. Accessed: 15 August 2017

¹¹⁶ Bandhu Social Welfare Society ‘Annual Report 2015’, (page 43), June 2016, <http://www.bandhubd.org/wp-content/uploads/2013/12/Annual-Report-2015-of-Bandhu.pdf>. Accessed: 15 August 2017

'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](#))

'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 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.'¹¹⁷

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9.2 Healthcare

- 9.2.1 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 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 Bangladesh¹¹⁸. A source consulted during the Home Office FFM to Bangladesh in May 2017 noted that MSM use of healthcare programmes had declined for fear of being targeted by extremists. Boys of Bangladesh stated discrimination against LGBT people, such as in healthcare, was worse in urban areas¹¹⁹.
- 9.2.2 The USSD 2016 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.'¹²⁰

¹¹⁷ Human Rights Watch, 'World Report 2016 – Bangladesh', 27 January 2016, available at: <http://www.refworld.org/docid/56bd995315.html>. Accessed: 17 August 2017

¹¹⁸ Bandhu Social Welfare Society, Profile, undated, <http://www.bandhu-bd.org/wp-content/uploads/2015/09/BSWS-Profile.pdf>, date accessed 17 June 2016.

¹¹⁹ UK Home Office, 'Report of a Home Office Fact-Finding Mission to Bangladesh', conducted 14-26 May 2017, (paragraphs 7.6.1 and 7.9.1), published September 2017, <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>. Accessed: 18 September 2017

¹²⁰ US Department of State, 'Country Report on Human Rights Practices for 2016' (Section 6), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>. Accessed: 1 August 2017

- 9.2.3 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.’¹²¹

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9.3 Accommodation

- 9.3.1 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. 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. The official believed it would be harder for a heterosexual unmarried couple to rent a property than 2 members of the same sex¹²² (see also [Public opinion](#)).

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10. LGBT groups, civil society and human rights NGOs

- 10.1.1 According to the USSD Report 2016 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 restrictions¹²³.
- 10.1.2 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 NGO.’¹²⁴ (see also [Violence perpetrated by extremist groups](#) and [Gay ‘scene’, ‘community’ and activists](#)).
- 10.1.3 ILGA further added:
- ‘There are no SOGI-based NGOs in Bangladesh, although there are some long-standing CSOs [Civil Society Organisations], such as Boys of Bangladesh and the Bandhu Social Welfare Society, and online communities such as Roopbaan, Shambhab (a lesbian network) and Vivid Rainbow. It is unlikely that these groups can register as NGOs as it is understood that Section 377 extends to membership of a SOGI-based organisation, a view

¹²¹ 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’, (page 11), April 2013,

https://www.fhi360.org/sites/default/files/media/documents/GBV%20Study%20report_Final.pdf.

Accessed: 15 August 2017

¹²² UK Home Office, ‘Report of a Home Office Fact-Finding Mission to Bangladesh’, conducted 14-26 May 2017, (pages 116 and 87), published September 2017,

<https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>.

Accessed: 18 September 2017

¹²³ US Department of State, ‘Country Report on Human Rights Practices for 2016’ (Section 5), 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265532>.

Accessed: 1 August 2017

¹²⁴ ILGA: Carroll, A. and Mendos, L.R., ‘State Sponsored Homophobia 2017: A world survey of sexual orientation laws: criminalisation, protection and recognition’, (page 45), May 2017,

http://ilga.org/downloads/2017/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf. Accessed: 1 August 2017

endorsed [...] by one of Bangladesh's only barristers concerned with SOGI issues, Sara Hossain.¹²⁵

10.1.4 Other associations supporting / advocating for LGBT persons included:

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

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

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

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¹²⁵ ILGA: Carroll, A. and Mendos, L.R., 'State Sponsored Homophobia 2017: A world survey of sexual orientation laws: criminalisation, protection and recognition', (page 122), May 2017, http://ilga.org/downloads/2017/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf. Accessed: 1 August 2017

Version control and contacts

Contacts

If you have any questions about this note and your line manager, senior caseworker or technical specialist cannot help you, or you think that this note has factual errors then [email the Country Policy and Information Team](#).

If you notice any formatting errors in this note (broken links, spelling mistakes and so on) or have any comments about the layout or navigability, you can [email the Guidance, Rules and Forms Team](#).

Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from **16 November 2017**

Changes from last version of this note

Reviewed following feedback from users and external stakeholders; minor additions from the Home Office FFM conducted in May 2017 included to the COI.

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