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Bangladesh: Sexual orientation and gender identity and expression

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Executive summary

Updated on: 20 June 2023

Same-sex sexual activity between consenting males is criminalised under Section 377 of the Bangladesh Penal Code and punishable by imprisonment. Though rarely enforced, it is used to arrest, harass and extort individuals based on their sexual orientation, contributing to a climate of fear and repression for LGBTI individuals.

It is unclear as to whether female same-sex sexual activity is included within the ambit of Section 377 and there is no evidence of cases in which criminal prosecutions have been brought against lesbians in relation to their sexual identity. However, this should be viewed in the context of the general lack of societal awareness or understanding of female same-sex relationships, which may lead to social invisibility.

The hijra (a distinct community that can fall under the umbrella term trans) were legally recognised as a 'third gender' in 2013, but there is no legal framework for recognising other gender-diverse people who do not fall within the hijra community.

In general, a person who identifies as LGBTI is unlikely to face treatment by the state, which is sufficiently serious either by its nature or repetition, or by an accumulation of measures, to amount to persecution or serious harm. The onus is on the person to demonstrate otherwise.

Societal attitudes towards LGBTI people tend to be conservative and influenced by traditional cultural and religious values. LGBTI persons are often stigmatised, leading to discrimination, social exclusion and hostility. Many face pressure to hide their sexual orientation or gender identity to avoid harassment and violence. Gay men and lesbians are compelled by family and society to enter into heterosexual marriages.

While there are supportive allies and groups working for tolerance and equality, progress in acceptance and rights is limited.

In general, a person who identifies as LGBTI and is open about their sexual orientation or gender identity is likely to face treatment by non-state actors, which is sufficiently serious either by its nature or repetition, or by an accumulation of measures, to amount to persecution or serious harm.

If a person does not openly express their sexual orientation or gender identity consideration must be given to the reasons why they do not. Each case must be considered on its facts with the onus on the person to demonstrate that they would be at real risk on return.

In general, the state is able, but unwilling to offer sufficient protection from non-state actors, including 'rogue' state actors. Decision makers must consider each case on its facts, with the onus on the person to demonstrate why they would not be able to obtain protection.

Given that homophobic attitudes are prevalent throughout the country there is unlikely to be any place in Bangladesh to which a lesbian, gay or bisexual person could reasonably relocate without making fundamental changes to their behaviour.

Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded'.

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Assessment

About the assessment

This section considers the evidence relevant to this note – that is information in the [country information](#), refugee/human rights laws and policies, and applicable caselaw – and provides an assessment of whether, **in general**:

- a person is reasonably likely to face a real risk of persecution/serious harm by the state or non-state actors because of their sexual orientation and/or gender identity and expression
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a grant of asylum, humanitarian protection or other form of leave is likely, and
- if a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

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

This note provides an assessment of the general situation for gay men, lesbians, bisexuals, trans and intersex (LGBTI) persons, and those perceived as such. They are referred to collectively as ‘LGBTI persons’, although the experiences of each group may differ.

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1. Material facts, credibility and other checks/referrals

1.1 Credibility

- 1.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#), the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).
- 1.1.2 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](#)).
- 1.1.3 In cases where there are doubts surrounding a person’s claimed place of origin, decision makers should also consider language analysis testing, where available (see the [Asylum Instruction on Language Analysis](#)).

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1.2 Exclusion

- 1.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 1.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 1.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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2. Convention reason(s)

- 2.1.1 Actual or imputed particular social group (PSG).
- 2.1.2 LGBTI persons form a PSG in Bangladesh within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it and have a distinct identity in India because the group is perceived as being different by the surrounding society.
- 2.1.3 Although LGBTI persons form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed is whether the person has a well-founded fear of persecution on account of their actual or imputed convention reason.
- 2.1.4 For further guidance on the 5 Refugee Convention grounds see the Asylum Instruction, [Assessing Credibility and Refugee Status](#).

3. Risk

3.1 Risk from the state

- 3.1.1 In general, a person who identifies as LGBTI is unlikely to be at risk of treatment from state actors which is sufficiently serious either by its nature and repetition, or by an accumulation of measures, to amount to persecution or serious harm. The onus is on the person to demonstrate otherwise.
- 3.1.2 If a person does not openly express their sexual orientation or gender identity, decision makers must consider why. Due to social norms, most

LGBTI people in Bangladesh choose to keep their sexual orientation a private matter to avoid discrimination, social exclusion and hostility from their families and wider society. Each case must be considered on its facts.

- 3.1.3 Bangladesh retains colonial laws criminalising same-sex sexual activities (Section 377 of the Bangladesh Penal Code), punishable by a fine and a prison term not exceeding 10 years, or life imprisonment. Section 377 applies to same-sex sexual activity between men. Although it is rarely enforced, its existence reinforces a general climate of homophobia and LGBTI groups claim the government retains the law due to societal pressure. If the law were to be applied, it would be disproportionate and discriminatory. There are no laws in Bangladesh protecting people against discrimination based on their sexual orientation or gender identity, and no legal recognition of same-sex unions or marriage (see [Legal context](#)).
- 3.1.4 It is unclear as to whether female same-sex sexual activity is included within the ambit of Section 377. The Australian Department of Foreign Affairs and Trade (DFAT) stated in November 2022 that it was not aware of any cases in which criminal prosecutions have been brought against lesbians in relation to their sexual identity. However, this should be viewed in the context of the general lack of societal awareness or understanding of female same-sex relationships (see [Legal context](#) and [Societal norms and acceptance](#)).
- 3.1.5 Bangladesh has made progress since 2013 in legally recognising the hijra (a distinct community that can fall under the umbrella term transgender), allowing them to identify as a 'third gender' on passports and other official government documents. There is no legal recognition of non-hijra trans persons, who cannot apply for national identity cards or register to vote on this basis, but can apply for passports under the 'other' category (see [Legal context](#)).
- 3.1.6 Although rarely enforced, Section 377 is used to arrest, harass or extort gay and bisexual men, or those perceived as such. Hijras generally avoid punishment under the code because, according to a study on LGBTI persons by the International Republican Institute (IRI), of a widely held misunderstanding that they are asexual and therefore not 'controversial'. However, the criminalisation of same-sex sexual activity creates a climate of fear of arrest amongst the LGBTI community. Laws against pornography, drug or alcohol offences, or a suspicious-behaviour provision of the police code, are also used to target gay men. Participants in the IRI study said the police sexually assault gay and bisexual men and trans women (see [State treatment and attitudes](#)).
- 3.1.7 Non-governmental organisations (NGOs) working on LGBTI issues are unable to register with the government as official LGBTI NGOs due to stigma and discrimination (see [NGOs and support](#)).
- 3.1.8 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#), and the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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3.2 Risk from non-state actors

- 3.2.1 In general, a person who identifies as LGBTI is likely to be at risk of treatment from non-state actors which is sufficiently serious either by its nature and repetition, or by an accumulation of measures, to amount to persecution or serious harm.
- 3.2.2 If a person does not openly express their sexual orientation or gender identity, decision makers must consider why. Due to social taboos and societal pressure to conform to heterosexual, cultural and religious norms, including marriage and having children, the majority of LGBTI people in Bangladesh choose to keep their sexual orientation a private matter to avoid discrimination, social exclusion and hostility from their families and wider society (see [Societal norms and acceptance](#)). Lesbians and bisexual women are likely to face greater pressure to marry, are at higher risk of gender-based violence just for being women, and are less likely than men to have social and economic independence (see [Lesbians and bisexual women](#)).
- 3.2.3 For general information on the position of women, see the [Country Policy and Information Note on Bangladesh: Women facing gender-based violence](#).
- 3.2.4 LGBTI persons frequently face discrimination, violence, verbal and sexual harassment, extortion, predominantly by community and family members. However, due to stigma, intolerance and the criminalisation of same-sex sexual activity, most incidents go unreported. Conversion therapy is reported to be widespread, as is discrimination in areas such as education employment, housing, and access to government services, including healthcare and justice (see [Societal norms and acceptance](#) and [Access to, and treatment in, services](#)).
- 3.2.5 There is some evidence of tolerance and acceptance of the hijra community, who are generally more able to express their identity. For example, a hijra was elected as mayor in a rural town in 2021, and in 2022 a hijra was elected to a union council. However, familial acceptance is reported to be low and the IRI survey noted the most frequent discrimination reported by respondents occurred against hijras and trans persons (see [Trans persons, including hijras](#)).
- 3.2.6 LGBTI spaces are mostly limited to online events, though these are subject to negative comments and threats of violence (see [LGBTI community](#)).
- 3.2.7 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#), and the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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4. Protection

- 4.1.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to obtain protection from the authorities.
- 4.1.2 In general, the state is able, but unwilling to offer sufficient protection from non-state actors, including 'rogue' state actors. Decision makers must consider each case on its facts, with the onus on the person to demonstrate why they would not be able to obtain protection.

- 4.1.3 Bangladesh has a functioning criminal justice system although it is highly politicised. Police professionalism varies although measures are in place to address accountability for misconduct. For more, see the Country Policy and Information Note, [Bangladesh: Actors of protection](#).
- 4.1.4 In 2021, 6 members of a banned Islamic group were sentenced to death for the 2016 murder of 2 LGBTI rights activists. However, in general, steps taken to investigate, prosecute and punish those involved in violence against LGBTI persons are limited ([Police and judicial response to violence against LGBTI persons](#)).
- 4.1.5 Various NGOs advocate for LGBTI rights and, whilst they cannot provide protection to LGBTI individuals in lieu of the state, they may be able to assist the person in availing themselves of the protection of the state by providing support and advice (see [NGOs and support](#)).
- 4.1.6 For further guidance on assessing state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#), and the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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5. Internal relocation

- 5.1.1 Where the person has a well-founded fear of persecution from the state, they are unlikely to be able to relocate to escape that risk.
- 5.1.2 Where the person has a well-founded fear of persecution from non-state actors, including 'rogue' state-actors, decision makers must determine whether the person could relocate internally to a place where they would not face a real risk of persecution or serious harm and where they can reasonably be expected to stay. 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.
- 5.1.3 Given that homophobic attitudes are prevalent throughout the country there is unlikely to be any place in Bangladesh to which a lesbian, gay or bisexual person could reasonably relocate without making fundamental changes to their behaviour (see [State treatment and attitudes](#) and [Societal treatment and attitudes](#)).
- 5.1.4 For further guidance on considering internal relocation and factors to be taken into account see the Asylum Instruction on [Assessing Credibility and Refugee Status](#), and the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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6. Certification

- 6.1.1 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.
- 6.1.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

Country information

About the country information

This contains publicly available or disclosable country of origin information (COI) which has been gathered, collated and analysed in line with the [research methodology](#). It provides the evidence base for the assessment.

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

Decision makers must use relevant COI as the evidential basis for decisions.

It should be noted that, according to the European Union Agency for Asylum (EUAA) [Research Guide on LGBTIQ](#), dated February 2023, the broad definition of LGBT/LGBTI/LGBTIQ (lesbian, gay, bisexual, trans, intersex and queer persons) used in various sources may not refer to all groups covered in this concept but only to some categories, most often gay men¹.

For general information on Bangladesh including history, geography and demography and political context see the Country Background Note: Bangladesh.

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section updated: 20 June 2023

7. Terminology

- 7.1.1 According to the Australian Government's Department of Foreign Affairs and Trade (DFAT) report on Bangladesh, dated November 2022, which was based on a range of sources, LGBTI people in Bangladesh '... use unique slang due to cultural taboos that prohibit open discussion of LGBTI issues. English words to describe LGBTI issues do not have equivalents in Bengali and slurs may be used in translation either through lack of alternatives or because of the homophobia of the translator. Highly educated and wealthy LGBTI people are more likely to understand words and concepts or use English to describe them.'²

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section updated: 20 June 2023

8. Legal context

8.1 Constitution

- 8.1.1 The Constitution of Bangladesh does not directly refer to sexual orientation or gender identity in articles defining the rights of citizens, but provides:
- Article 27: 'All citizens are equal before law and are entitled to equal protection of law'
 - Article 28(1): 'The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth'

¹ EUAA, '[Country of Origin Information Research Guide on LGBTIQ](#)' (pages 17, 18), February 2023

² DFAT, '[Country Information Report Bangladesh](#)' (paragraph 3.124), November 2022

- Article 29(1): ‘There shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic.’³

8.1.2 According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) December 2020 report, there are no laws in Bangladesh protecting people against discrimination on the basis of their sexual orientation or gender identity⁴.

8.1.3 The draft Anti-Discrimination Law, laid before parliament in April 2022⁵, proposed to ban discrimination on various grounds⁶. The UN Special Rapporteur on extreme poverty and human rights stated in his end of mission statement, following a visit to Bangladesh from 17 to 29 May 2023, that ‘While Section 3 of the bill recognizes discrimination against the “third gender”, it does not mention Hijra (transgender) communities – who are the margins and subjected to extreme levels of discrimination.’⁷ The bill did not address other sexual minorities⁸.

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8.2 Bangladesh Penal Code

8.2.1 The Bangladesh Penal Code 1860, a retained British colonial law, does not specifically refer to same-sex sexual activity, but refers to ‘unnatural offences’. Section 377 states:

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

‘Explanation: penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.’⁹

8.2.2 According to the Human Dignity Trust, an LGBTI rights group, ‘Only men are criminalised under this law.’¹⁰

8.2.3 It is unclear as to whether lesbianism is included within the ambit of Section 377 of the Bangladesh Penal Code, as indicated by ILGA’s State-Sponsored Homophobia report for 2019, which noted that female-female sexual activity was not a criminal offence under existing penal law, although elsewhere within the same report it stated that the provision in the penal code was relevant for ‘all genders.’¹¹

8.2.4 Human Rights Watch noted that Section 376 of the Penal Code sets out the punishment for rape¹², but ‘... fails to provide legal protection to men, boys,

³ Laws of Bangladesh, ‘[The Constitution of the People’s Republic of Bangladesh](#)’, 1972

⁴ ILGA, ‘[State-Sponsored Homophobia 2020](#)’ (page 327), December 2020

⁵ BSS, ‘[A bill titled “Anti-Discrimination act-2022” placed in parliament](#)’, 5 April 2022

⁶ bdnews24, ‘[Bangladesh pitches sweeping new anti-discrimination bill to uphold...](#)’, 5 April 2022

⁷ OHCHR, ‘[End of mission statement by Mr. Olivier De Schutter Special Rapporteur...](#)’, 29 May 2023

⁸ Dhaka Tribune, ‘[Make anti-discrimination law more inclusive, says think tank](#)’, 10 April 2022

⁹ Laws of Bangladesh, ‘[The Penal Code](#)’ (Section 377), 6 October 1860

¹⁰ Human Dignity Trust, ‘[Country profile: Bangladesh](#)’, no date

¹¹ ILGA, ‘[State-Sponsored Homophobia 2019](#)’ (pages 50 and 172), March 2019

¹² Laws of Bangladesh, ‘[The Penal Code](#)’ (Section 377), 6 October 1860

transgender, hijra, or intersex people who are victims of sexual assault.¹³

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8.3 Trans people, including hijras and intersex persons

- 8.3.1 In the culture of the Indian sub-continent, hijras are regarded as a ‘third gender’ and most hijras see themselves as ‘neither man nor woman’^{14 15}. They cannot accurately be described as ‘eunuchs’ or ‘hermaphrodites’ or ‘transsexual women’, which are Western terms^{16 17}. Most hijras are born male and some will have undergone a ritual emasculation operation, which includes castration^{18 19}. A minority are born intersex^{20 21}.
- 8.3.2 Hijras can fall under the umbrella term transgender²² but, according to 2 sources interviewed during the UK Home Office Fact Finding Mission (FFM) to Bangladesh in May 2017, not all transgender persons are hijras, even though they may be viewed as such²³. The Kaleidoscope Human Rights Foundation, Australia, noted in September 2016 ‘The Hijra community often identifies itself as an alternative gender, rather than as transgender.’²⁴
- 8.3.3 Although most hijras wear women’s clothing and have adopted female mannerisms, they generally do not attempt to pass as women²⁵. Becoming a hijra involves a process of initiation into a hijra ‘family’, or small group, under a guru teacher^{26 27}. Therefore, hijra is not a gender but instead a community²⁸. George Arney wrote, in a BBC News article of 30 November 2000, that hijras have been part of the South Asian landscape for thousands of years²⁹.
- 8.3.4 In November 2013, the Bangladesh government granted hijras legal status as members of a ‘third gender’ for ‘purposes of voting, travel, identification and other core civil rights.’³⁰
- 8.3.5 The Bangladesh Legal Aid and Services Trust (BLAST) report on gender identity in Bangladeshi law, published in December 2019, noted that, in January 2014, the Ministry of Social Welfare (MSW) ‘... published a gazette notification stating that the Hijra community “shall be recognised as the ‘Hijra sex/gender’ (‘Hijra linggo’).”³¹ The BLAST report commented ‘This

¹³ HRW, [‘Bangladesh: Protests Erupt Over Rape Case’](#), 9 October 2020

¹⁴ Nanda. S., [‘Neither Man nor Woman...’](#) (Chapter 2), 1999

¹⁵ BBC News, [‘Blurring the gender lines in Bangladesh’](#), 30 November 2000

¹⁶ Nanda. S., [‘Neither Man nor Woman...’](#) (Chapter 2), 1999

¹⁷ BBC News, [‘Blurring the gender lines in Bangladesh’](#), 30 November 2000

¹⁸ Nanda. S., [‘Neither Man nor Woman...’](#) (Chapter 2), 1999

¹⁹ BBC News, [‘Blurring the gender lines in Bangladesh’](#), 30 November 2000

²⁰ Nanda. S., [‘Neither Man nor Woman...’](#) (Introduction and Chapter 2), 1999

²¹ BBC News, [‘Blurring the gender lines in Bangladesh’](#), 30 November 2000

²² BBC, [‘The semi-sacred “third gender” of South Asia’](#), 20 July 2017

²³ Home Office, [‘FFM to Bangladesh’](#) (paragraph 7.4.1), September 2017

²⁴ Kaleidoscope Australia, [‘Parallel Report to the CEDAW’](#) (paragraph 4.2), September 2016

²⁵ Nanda. S., [‘Neither Man nor Woman...’](#) (Chapter 2), 1999

²⁶ Nanda. S., [‘Neither Man nor Woman...’](#) (Chapter 2), 1999

²⁷ BBC News, [‘Blurring the gender lines in Bangladesh’](#), 30 November 2000

²⁸ The Daily Star, [‘The twisted plight of Bangladeshi transgender community’](#), 11 June 2022

²⁹ BBC News, [‘Blurring the gender lines in Bangladesh’](#), 30 November 2000

³⁰ ILGA, [‘State Sponsored Homophobia 2017’](#) (page 121), May 2017

³¹ BLAST, [‘From Recognition to Realising Rights: Legal Protection...’](#) (page 2), December 2019

recognition expressly refers to “Hijra”. It does not deal with other communities and individuals who have non-normative gender and sexual expressions, and do not conform to the gender assigned to them at birth (transgender women and men), but do not belong to the Hijra culture.’³²

- 8.3.6 Human Rights Watch (HRW) reported in 2016 that ‘Bangladesh does not have a policy outlining the measures individuals must take to legally change the gender marker on their official documents from “male” to “hijra,” and there is no clarity about who qualifies as a hijra. Absent such guidelines, officials involved in implementing the hijra circular [gazette notification] have acted on their personal understandings of what hijra means.’³³
- 8.3.7 In April 2019, following amendments to the Voter List Act 2009 and the Voter List Rules 2012, hijras were given the option to vote as ‘hijra’ opposed to the ‘male’ and ‘female’ options on the voter registration form³⁴.
- 8.3.8 BLAST noted in regard to official documents that ‘... national identity cards [NID] now include a “Hijra” category in addition to “male” and “female”. In contrast, passports include a category of “other” in addition to “male” and “female”. Some government forms (e.g. account opening application forms of state-run banks) now include a category of “third gender”.’³⁵
- 8.3.9 The same report noted that the lack of uniformity in gender identity options created barriers for gender-diverse individuals, stating that:
‘The “Other” and “Third Gender” options used in the above forms accommodate both gender non-conforming individuals identifying as Hijra and those not identifying as Hijra. In contrast, the “Hijra” option only applies to those who are part of Hijra culture and identify as Hijra. This means that non-Hijra transgender individuals cannot apply for an NID and therefore cannot register as a voter. To have valid official documents, gender diverse individuals who are non-Hijra must choose the “Hijra” option.’³⁶
- 8.3.10 The BLAST report added, ‘Currently an individual has to undergo multiple processes of verification by government authorities, based on physical examinations, background checks by the police, and/or certificates from their local Ward Commissioner or Union Parishad, to be identified as “Hijra” in any official document.’³⁷
- 8.3.11 According to the DFAT report of November 2022, hijras ‘... lack inheritance rights under sharia (Islamic law) provisions governing personal status matters.’³⁸
- 8.3.12 CPIT could find no specific information on the legal rights of intersex persons in the sources consulted (see [Bibliography](#)).
- 8.3.13 Some hijras are born intersex³⁹. The International Republican Institute (IRI), an American non-profit, non-partisan organisation committed to advancing

³² BLAST, ‘[From Recognition to Realising Rights: Legal Protection...](#)’ (page 2), December 2019

³³ HRW, ‘[“I Want to Live With My Head Held High”...](#)’, 23 December 2016

³⁴ Dhaka Tribune, ‘[Members of the third gender can vote as “hijra”](#)’, 19 April 2019

³⁵ BLAST, ‘[From Recognition to Realising Rights: Legal Protection...](#)’ (page 2), December 2019

³⁶ BLAST, ‘[From Recognition to Realising Rights: Legal Protection...](#)’ (page 5), December 2019

³⁷ BLAST, ‘[From Recognition to Realising Rights: Legal Protection...](#)’ (page 6), December 2019

³⁸ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.127), November 2022

³⁹ Nanda. S., ‘[Neither Man nor Woman...](#)’ (Introduction and Chapter 2), 1999

freedom and democracy worldwide⁴⁰, published a report on Bangladesh's LGBTI community, dated 8 April 2021, based on a mixed-method study of Bangladesh's LGBTI community that combined focus group discussions (FGDs) with 76 participants and an online survey, completed by 579 respondents (see the [report](#) for the full methodology)⁴¹. The report noted that 'In official government discourse and the public's common perception, Hijras are intersex – not transgender. Because intersex is not a sexual orientation – intersex people are widely viewed as asexual in Bangladesh – they are not considered "controversial."⁴²

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8.4 Same-sex marriage, civil unions and adoption rights

- 8.4.1 The ILGA December 2020 report noted that there is no legal recognition of same-sex civil unions or marriages, and same-sex couples cannot adopt children⁴³.

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section updated: 20 June 2023

9. State treatment and attitudes

9.1 Overview

- 9.1.1 The US Department of State noted in its human rights report for 2022 (USSD HR Report 2022) that 'Although the government made some progress in promoting social acceptance of hijra persons, the government made limited efforts to promote the rights of others in the LGBTQI+ community and did not offer legal recognition.'⁴⁴

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9.2 Use of laws against LGBTI persons

- 9.2.1 While same-sex sexual relations are criminalised under the penal code, the USSD HR Report 2022 stated that the authorities did not actively enforce the law and, according to members of LGBTI groups, it was retained due to societal pressure⁴⁵. The DFAT report, dated November 2022, stated that prosecutions under Section 377 were rare, which was likely due to the LGBTI community being hidden⁴⁶. DFAT also stated that it was not aware of criminal prosecutions for lesbian sex⁴⁷.
- 9.2.2 ILGA reported in December 2021 that, according to information provided by the LGBTI rights group [Inclusive Bangladesh](#), 'On 15 September 2020 an individual identified in local media as a "well-known woman" who has been identified by local activists as a transgender man was arrested for homosexual activity. Some media outlets have claimed the accused had a

⁴⁰ IRI, '[About IRI](#)', no date

⁴¹ IRI, '[Understanding the Lives of Bangladesh's LGBTI Community](#)' (page 3), 8 April 2021

⁴² IRI, '[Understanding the Lives of Bangladesh's LGBTI Community](#)' (page 2), 8 April 2021

⁴³ ILGA, '[State-Sponsored Homophobia 2020](#)' (page 327), December 2020

⁴⁴ USSD, '[2022 Country Reports on Human Rights Practices](#)' (section 6), 20 March 2023

⁴⁵ USSD, '[2022 Country Reports on Human Rights Practices](#)' (section 6), 20 March 2023

⁴⁶ DFAT, '[Country Information Report Bangladesh](#)' (paragraph 3.122), November 2022

⁴⁷ DFAT, '[Country Information Report Bangladesh](#)' (paragraph 3.126), November 2022

habit of “forcing girls into homosexuality”, and it is unclear to what degree this is the interpretation of detractor media, or if some form of coercion or blackmail was involved.’⁴⁸ Corroborating information could not be found amongst the sources consulted by CPIT (see [Bibliography](#)).

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9.3 Violence, harassment and discrimination

- 9.3.1 The IRI report on Bangladesh’s LGBTI community noted that ‘Although Section 377 is not commonly enforced, it has been used to arrest or harass mostly gay and bisexual men. Hijras avoid punishment under Article 377 because of a widely held misunderstanding about their sexual identity.’⁴⁹ However, the same report added that, because of the criminalisation of same-sex sexual activity, ‘... many in the LGBTI community live in fear of arrest.’⁵⁰
- 9.3.2 According to the USSD HR Report 2022, some LGBTI persons were harassed by police, and LGBTI advocacy groups stated that police used the law as grounds to harass people who were, or were perceived to be, LGBTI⁵¹. The DFAT report similarly noted that ‘Police use [Section 377] to harass men perceived to be effeminate. Laws against pornography, drug or alcohol offences are often used to target gay men. Harassment includes using the Penal Code as leverage to extort bribes from individuals under threat of arrest...’⁵² The IRI report stated that ‘Many participants said the police sexually assault gay and bisexual men and transgender women.’⁵³
- 9.3.3 ILGA reported that, according to information provided by LGBTI rights groups, ‘In late October 2020 the RAB [Rapid Action Battalion] arrested two young lesbian women in Patuakhali in a raid. The pair met online and fled their homes to live together in peace, but the family of one of the pair alerted police to an “abduction” and both were taken in for investigation.’⁵⁴ The Daily Bangladesh also reported the story, stating that the couple, who were teenagers, admitted to running away and getting ‘married’⁵⁵. Further information could not be found amongst the sources consulted by CPIT (see [Bibliography](#)).
- 9.3.4 The USSD HR Report 2022 stated that ‘Some groups also reported harassment under a suspicious-behavior provision of the police code.’⁵⁶ The same report noted that ‘Transgender rights advocates claimed the government conducted genitalia checks on hijra in some cases, before allowing them access to services.’⁵⁷

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⁴⁸ ILGA, ‘[Our Identities under Arrest](#)’ (page 144), 15 December 2021

⁴⁹ IRI, ‘[Understanding the Lives of Bangladesh's LGBTI Community](#)’ (page 2), 8 April 2021

⁵⁰ IRI, ‘[Understanding the Lives of Bangladesh's LGBTI Community](#)’ (page 13), 8 April 2021

⁵¹ USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 6), 20 March 2023

⁵² DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.122), November 2022

⁵³ IRI, ‘[Understanding the Lives of Bangladesh's LGBTI Community](#)’ (page 14), 8 April 2021

⁵⁴ ILGA, ‘[Our Identities under Arrest](#)’ (page 144), 15 December 2021

⁵⁵ Daily Bangladesh, ‘[2 lesbian teenager arrested in Patuakhali](#)’, 28 October 2020

⁵⁶ USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 6), 20 March 2023

⁵⁷ USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 6), 20 March 2023

9.4 Police and judicial response to violence against LGBTI persons

- 9.4.1 The USSD HR Report 2022 stated that ‘The government took few official actions to investigate, prosecute, and punish those complicit in violence and abuses against LGBTQI+ persons.’⁵⁸
- 9.4.2 On 31 August 2021, national media reported that 6 members of the banned Islamic group, Ansar al-Islam, were sentenced to death by an anti-terrorism court for the murders of LGBTI rights activists, Xulhaz Mannan and Mahbub Rabby Tonoy, who were hacked to death in their apartment in Dhaka in April 2016^{59 60}. Al Jazeera noted that ‘The attack on the two activists was among a series of assassinations of secular activists, bloggers, academics and religious minorities perpetrated by the Ansar al-Islam group between 2013 and 2016.’⁶¹ According to the DFAT report of November 2022, ‘The court acknowledged that the crime was motivated by hatred of gay people.’⁶²
- 9.4.3 For more information on the murders of Xulhaz Mannan and Mahbub Tonoy, see the [Country Policy and Information Note Bangladesh: Sexual orientation and gender identity and expression](#), April 2020. For information on the treatment of secularists and bloggers in Bangladesh see the [Country Policy and Information Notes](#) on Religious minorities and atheists, and Journalists, publishers and internet bloggers.

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10. Societal treatment and attitudes

10.1 Societal norms and acceptance

- 10.1.1 The IRI report on Bangladesh’s LGBTI community, noted that ‘While Hijras can openly express their identity, other sexual and gender minorities cannot. In Bangladesh’s conservative and religious society, nonnormative sexual orientations are widely considered unacceptable.’⁶³ The same report stated that ‘While a small number of FGD [focus group discussion] participants came out to their families and have been embraced, most participants have suffered physical abuse, rejection and ridicule from their families or feared their family’s reaction if they came out.’⁶⁴ The report added ‘The intersection of religiosity and family honor forced many participants into a tenuous agreement with their families to hide their sexual or gender orientation in public.’⁶⁵
- 10.1.2 An article published in January 2023, reporting on research into ‘heteronormative “straightening devices” – mechanisms working to direct people towards heterosexuality, gender conformity, and procreative marriage...’, undertaken in 2019 in Dhaka with 46 interviewees aged 18 to 24, 14 of whom self-identified as LGBTI, found that ‘Heteronormative

⁵⁸ USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 6), 20 March 2023

⁵⁹ bdnews24, ‘[Court sentences six to death for murders of LGBT activist Xulhaz...](#)’, 31 August 2021

⁶⁰ Dhaka Tribune, ‘[Six militants awarded death penalty for murdering LGBT...](#)’, 31 August 2021

⁶¹ Al Jazeera, ‘[Six sentenced to death in Bangladesh for killing LGBTQ activists](#)’, 31 August 2021

⁶² DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.123), November 2022

⁶³ IRI, ‘[Understanding the Lives of Bangladesh's LGBTI Community](#)’ (page 1), 8 April 2021

⁶⁴ IRI, ‘[Understanding the Lives of Bangladesh's LGBTI Community](#)’ (page 5), 8 April 2021

⁶⁵ IRI, ‘[Understanding the Lives of Bangladesh's LGBTI Community](#)’ (page 6), 8 April 2021

expectations were apparent in participants' narratives around gender norms of traditional masculine/feminine behaviour and presentation for men and women as well as compulsory heterosexuality through marriage (as expected by parents).'⁶⁶

- 10.1.3 In a 2020 survey of 300 people, which asked participants whether Bangladesh society was tolerant towards LGBTI persons, 81% said no⁶⁷.
- 10.1.4 The DFAT report of November 2022 noted that 'Male same-sex relationships are taboo but there is a general lack of awareness of female same-sex relationships. Almost all LGBTI people in Bangladesh keep their sexual orientation or gender identity secret. There is strong family and social pressure on gay men and lesbians to enter heterosexual marriages.'⁶⁸

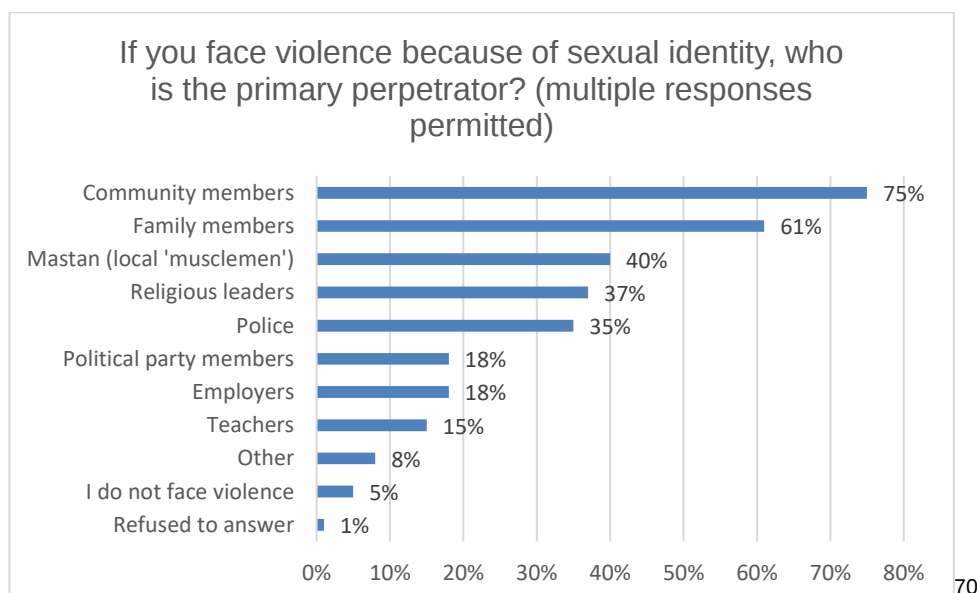
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10.2 Violence, harassment and discrimination – overview

10.2.1 The IRI report noted that:

'The vast majority of FGD participants said Bangladeshi society does not accept the LGBTI community... In the survey, over 50 percent of respondents said they faced discrimination, physical violence, mental torture, verbal harassment and sexual harassment. Other commonly cited challenges included social stigma, bullying, sexual violence, threats, stalking and extortion. Forty-five percent of respondents said they faced "discrimination, violence or harassment" almost every day or at least once a week. Transgender and Hijra respondents reported the most frequent discrimination.'⁶⁹

10.2.2 Respondents in the IRI survey said who the primary perpetrators of violence against LGBTI persons were:



⁶⁶ Alam, P, Marston, C, "["Bending" against straightening devices: queer lived experiences...](#)" 2023

⁶⁷ Anjum H and others, '[Ensuring Human Rights for the Gender Diverse Population...](#)', 2021

⁶⁸ DFAT, '[Country Information Report Bangladesh](#)' (paragraph 3.121), November 2022

⁶⁹ IRI, '[Understanding the Lives of Bangladesh's LGBTI Community](#)' (page 8), 8 April 2021

⁷⁰ IRI, '[Understanding the Lives of Bangladesh's LGBTI Community](#)' (pages 9 and 10), 8 April 2021

- 10.2.3 Following a country visit to Bangladesh from 31 October to 9 November 2022, Siobhán Mullally, the UN Special Rapporteur on trafficking in persons expressed concern about ‘... the continuing prevalence of discrimination, harassment and violence against lesbian, gay, bisexual and trans groups and persons of diverse gender identities, which increase the risks of serious human rights violations, in particular through trafficking for purposes of sexual exploitation.’⁷¹
- 10.2.4 Claudi Mahler, UN Independent Expert on the enjoyment of all human rights by older persons, gave her preliminary findings following a visit to Bangladesh in November 2022, noting that:
- ‘During my meetings with LGBTI older persons and civil society representatives, I was informed that older transgender women, also called Hijra, can openly express their identity. However, this does not apply for other sexual and gender minorities. Older LGBTI persons are facing discrimination, social rejection, harassment, assault and hate. The lack of family and community support may lead to depression of older LGBTI persons.’⁷²
- 10.2.5 HRW stated in its 2022 annual report, covering the human rights situation in 2021, that ‘... lesbian, gay, bisexual, and transgender people and advocates continued to face violence and threats of violence without adequate protection from the police.’⁷³ HRW repeated this assertion in its report covering events in 2022⁷⁴.
- 10.2.6 Freedom House noted in its Freedom in the World 2023 report, covering 2022 events, that ‘... societal discrimination [against LGBTI people] remains the norm, and LGBT+ individuals are regularly attacked. A number of LGBT+ individuals remain in exile after Islamist militants murdered LGBT+ activist Xulhaz Mannan in 2016.’⁷⁵ The DFAT report stated ‘LGBTI people must be very security aware; threats against them, including by religious extremists, are common.’⁷⁶
- 10.2.7 For more information on the murder of Xulhaz Mannan, see the [Country Policy and Information Note Bangladesh: Sexual orientation and gender identity and expression](#), April 2020.
- 10.2.8 Shahanur Islam, human rights defender, lawyer, and founder of human rights group, [JusticeMakers Bangladesh](#) (JMB), which called for the decriminalisation of Section 377 of the penal code⁷⁷, received repeated death threats for his advocacy of LGBTI rights, reported the Bangladesh Institute for Human Rights (BIHR)⁷⁸. The threats, against Shahanur and his family, were received from unidentified numbers via SMS on his mobile phone in August and September 2022⁷⁹. In another report, BIHR noted that

⁷¹ UNHRC, ‘[Report of the Special Rapporteur on trafficking...](#)’ (paragraph 43), 28 April 2023

⁷² OHCHR, ‘[Preliminary findings and recommendations...](#)’ (page 8), 17 November 2022

⁷³ HRW, ‘[World Report 2022: Bangladesh](#)’, 13 January 2022

⁷⁴ HRW, ‘[World Report 2023: Bangladesh](#)’, 12 January 2023

⁷⁵ Freedom House, ‘[Freedom in the World 2023: Bangladesh](#)’ (F4), 2023

⁷⁶ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.121), November 2022

⁷⁷ Erasing 76 Crimes, ‘[Bangladesh LGBT activists call for repeal of gay sex laws](#)’, 15 May 2023

⁷⁸ BIHR, ‘[Bangladeshi activist Shahanur has received repeated death threats!](#)’, 20 September 2022

⁷⁹ BIHR, ‘[Bangladeshi activist Shahanur has received repeated death threats!](#)’, 20 September 2022

president of the Council of Bars and Law Societies of Europe (CCBE) wrote to Prime Minister Sheikh Hasina in October 2022, calling for the protection of Shahanur, who has been receiving threats to his life since 2016⁸⁰.

10.2.9 Shahanur wrote in his blog, dated 1 April 2023, that:

‘Violence against the LGBT community is a prevalent and widespread phenomenon in Bangladesh. It takes many forms, including murder, physical assault, threats, death threats, rape, sexual abuse, extortion, bullying, social stigma, discrimination, deprivation, physical and psychological abuse. Unfortunately, most incidents go unreported due to stigma and intolerance from families, society, and the state, as well as existing discriminatory laws that criminalize same-sex activities and impose sentences of up to life imprisonment.’⁸¹

See also [Legal context](#) and [Police and judicial response to violence against LGBTI persons](#).

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10.3 Conversion therapy

10.3.1 The USSD HR Report 2022 noted that ‘LGBTQI+ activists reported so-called conversion therapy practices were widespread. Lesbian women and gay men recounted stories of being sent by their parents to drug rehabilitation facilities and forced to take sedatives, wear traditional clothing, and recite the Quran. One community leader spoke of her parents sending her to a psychiatrist to “turn her straight.” The government took no measures to condemn these practices.’⁸²

10.3.2 Lawyer Shahanur Islam stated similar in his blog, writing that ‘Conversion therapy, the practice of attempting to change an individual’s sexual orientation or gender identity, is still widespread. Lesbian and gay individuals may be sent to drug rehabilitation facilities, forced to wear traditional clothing, and recite religious texts. The government has yet to condemn these practices...’⁸³

10.3.3 In 2020, the UN Expert on Sexual Orientation and Gender Identity, Victor Madrigal-Borloz, stated that conversion therapies were “inherently discriminatory, that they are cruel, inhuman and degrading treatment, and that depending on the severity or physical or mental pain and suffering inflicted to the victim, they may amount to torture.”⁸⁴

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10.4 Gay and bisexual men

10.4.1 The IRI report found that gay and bisexual men were victims of extortion: ‘Several participants described being lured to an isolated location under the guise of a relationship, only to be assaulted and blackmailed.’⁸⁵

⁸⁰ BIHR, [‘European attorneys seek protection for LGBTQ activist Bangladeshi...’](#), 10 November 2022

⁸¹ Shahanur, I, [‘How can society promote equality and respect for LGBTQI+ rights...’](#), 1 April 2023

⁸² USSD, [‘2022 Country Reports on Human Rights Practices’](#) (section 6), 20 March 2023

⁸³ Shahanur, I, [‘How can society promote equality and respect for LGBTQI+ rights...’](#), 1 April 2023

⁸⁴ OHCHR, [“Conversion therapy” can amount to torture and should be banned...’](#), 13 June 2020

⁸⁵ IRI, [‘Understanding the Lives of Bangladesh’s LGBTI Community’](#) (page 10), 8 April 2021

- 10.4.2 On 9 October 2022, JMB and BIHR released a joint statement condemning the assault and blackmail of a gay teenager. The statement, which the JMB/BIHR said was reported on Bangladesh news channel, DBS News, stated that the teenager was lured to a house in Dhaka after meeting the accused on Facebook. The police arrested 3 people in relation to the case⁸⁶.
- 10.4.3 JMB reported on the murder of a bisexual man in Dhaka in March 2023 after he refused to pay blackmailers. According to the report cited by LGBTI rights group, Erasing 76 Crimes, architect Imtiaz Mohammad Bhuiyan met a man on the gay dating app, Grindr, and went to his apartment where he was filmed in a compromising position by a group of men who demanded money, which he refused to pay. Imtiaz was apparently beaten to death and his body dumped. Police arrested 3 people in relation to the attack⁸⁷.
- 10.4.4 JMB reported that a gay Islamic leader was stabbed to death in his home on 20 April 2023. The report noted that ‘According to reliable sources, Jalali was stabbed to death by his juvenile assistant, Quarnic Hafiz Hasan Ahmed, who has since been arrested by the police. The accused claimed that he stabbed Jalali after an argument about his pay.’⁸⁸
- 10.4.5 Corroborating or further information on the above reports by JMB could not be found amongst the sources consulted by CPIT (see [Bibliography](#))

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10.5 Lesbians and bisexual women

- 10.5.1 A report by Global Human Rights Defence (GHRD) on LGBTI rights in Bangladesh, dated June 2022 and based on a range of sources, noted that: ‘The general lack of societal awareness about lesbianism leads to social invisibility, and information about lesbians in Bangladesh is quite inexistent. Lesbians are unlikely to be open about their sexual identity, as doing so would make them highly vulnerable to societal violence. The position of lesbian and bisexual women should also be viewed in the context of the general position of women in Bangladeshi society, where women fear gender-based violence just for being women. Although there are multiple women’s movements, they face barriers to reassert their independence.’⁸⁹
- 10.5.2 According to the DFAT report, dated November 2022: ‘As with all women, LGBTI women are less likely than men to have social and economic independence. LGBTI women are pressured to enter heterosexual marriages in which the male partner of the relationship would exercise considerable social control and “protection” over a woman, preventing any real prospect of her self-expression. Many girls are married young, limiting avenues for expression of sexuality and gender identity outside the norm.’⁹⁰
- 10.5.3 In a joint statement dated 22 September 2022, BIHR and JMB expressed their concern at the harassment of 4 lesbians in the district of Jamalpur. The

⁸⁶ JMB, ‘[JOINT STATEMENT: BIHR and JusticeMakers Bangladesh are deeply...](#)’, 9 October 2022

⁸⁷ Erasing 76 Crimes, ‘[Activists demand justice for murder of bisexual man in...](#)’, 17 April 2023

⁸⁸ JMB, ‘[Statement: JusticeMakers Bangladesh Condemns Murder of Gay Islamic...](#)’, 26 April 2023

⁸⁹ GHRD, ‘[LGBTQ+ Rights in Bangladesh](#)’ (page 13), June 2022

⁹⁰ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.125), November 2022

statement noted that, according to media reports, published on 21 September 2022, ‘... a girl married another girl in Hatbari village of Doyle Union in Sarishabari, Jamalpur. Local peoples have handed over two young girls and their two accomplices to the police on charges of same-sex marriage.’ Furthermore, ‘... interviews of the two young girls were taken in presence of hundreds of local people...’, which lawyer Shahanur Islam argued violated their right to privacy⁹¹.

- 10.5.4 On 28 September 2022, the BIHR and JMB reported on another case of a lesbian couple who came to Tangail city (central Bangladesh) Kazi (registry) office to get married. Upon hearing of the incident, local residents gathered at the office and staff reported the couple’s intentions to the police, who then came and took them to the police station⁹².
- 10.5.5 Corroborating or further information on the above reports by JMB/BIHR could not be found amongst the sources consulted by CPIT (see [Bibliography](#)).
- 10.5.6 For information on the general position and treatment of women in Bangladesh, see the [Country Policy and Information Report on Bangladesh: Women fearing gender-based violence](#).

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10.6 Trans persons, including hijras

10.6.1 The USSD HR Report 2022 stated that:

‘While some transgender women in the country identified as hijra (a cultural South Asian term for some transgender women as well as some intersex and gender nonconforming individuals) due to an affinity for the hijra subculture or a desire for increased social protection, not all chose to do so. Many transgender women asserted their transgender identities and corrected those that identified them as hijra. Meanwhile, transgender men received little support or tolerance, particularly in poor and rural communities. Some conservative clerics decried the transgender community and sharply distinguished it from the hijra identity, saying the latter would be tolerable while the former remains unacceptable.’⁹³

10.6.2 The DFAT report of November 2022 noted ‘Acceptance of hijra family members among relatives is generally low...’⁹⁴

10.6.3 Human rights defender and lawyer, Shahanur Islam, stated in April 2023 that ‘Transgender individuals, in particular, face unique challenges. Some may identify as hijra, seeking social protection or an affinity for the subculture, while others assert their transgender identities and reject the hijra label. Transgender men, however, often receive little support or tolerance, especially in poorer and more rural areas.’⁹⁵

10.6.4 In November 2021, Al Jazeera reported that a rural town elected a hijra to

⁹¹ JMB, ‘[JOINT STATEMENT: BIHR and JusticeMakers Bangladesh...](#)’, 22 September 2022

⁹² BIHR, ‘[Human rights organizations BIHR and JusticeMakers Bangladesh...](#)’, 28 September 2022

⁹³ USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 6), 20 March 2023

⁹⁴ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.127), November 2022

⁹⁵ Shahanur, I, ‘[How can society promote equality and respect for LGBTQI+ rights...](#)’, 1 April 2023

become the country's first transgender mayor⁹⁶.

- 10.6.5 In November 2022, JMB (cited by Erasing 76 Crimes) reported on the election victory of a transwoman to a local council. According to news published by Voice of America's Bengali section online on 4 November 2022, Payal Khatun, a transgender woman was elected as a member of the Union Parishad in Kushtia district of Bangladesh and was the first elected public representative of the third gender in Kushtia district. Payal was elected as after receiving 1,623 votes⁹⁷.
- 10.6.6 In March 2021, a private satellite television channel, Boishakhi Television, appointed the country's first trans news anchor^{98 99}.

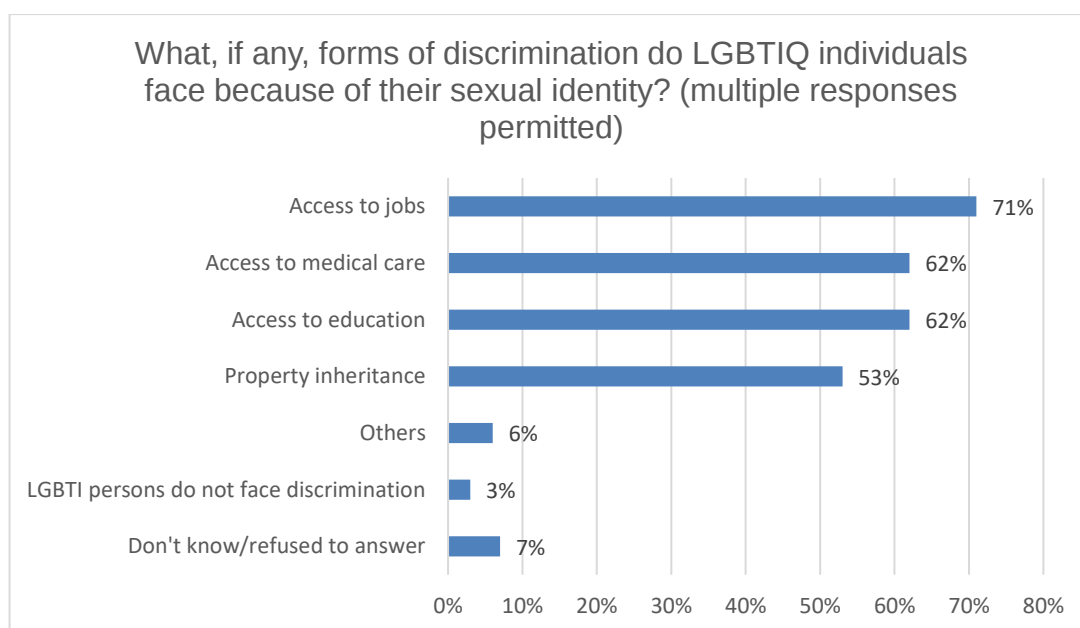
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11. Access to, and treatment in, services

11.1 Overview

- 11.1.1 Respondents in the IRI survey cited multiple types of discrimination faced by LGBTI persons¹⁰⁰:



- 11.1.2 The same report added that 'More rarely mentioned forms of intolerance included landlord discrimination, workplace harassment, exclusion from social events and denial of religious burial services.'¹⁰¹
- 11.1.3 Human rights defender, Shahanur Islam, stated in his blog dated 1 April 2023 that '... LGBTQI+ individuals frequently encounter discrimination in areas such as employment, housing, and access to government services,

⁹⁶ Al Jazeera, '[Bangladesh town elects country's first transgender mayor](#)', 30 November 2021

⁹⁷ Erasing 76 Crimes, '[Bangladesh: Trans woman elected to government council](#)', 19 November 2022

⁹⁸ Daily Bangladesh, '[Country's first transgender TV news anchor appointed](#)', 5 March 2021

⁹⁹ Daily Star, '[Breaking the glass ceiling: Shishir first transgender newscaster...](#)', 5 March 2021

¹⁰⁰ IRI, '[Understanding the Lives of Bangladesh's LGBTI Community](#)' (page 11), 8 April 2021

¹⁰¹ IRI, '[Understanding the Lives of Bangladesh's LGBTI Community](#)' (page 11), 8 April 2021

including healthcare and justice.¹⁰²

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11.2 Education

11.2.1 The IRI report noted that:

‘In primary and secondary school and at university, LGBTI students face myriad challenges. Most common is bullying from peers and teachers, but other issues undermine their academic achievement and mental health. Two transgender men participants said they lost points for refusing to wear a sari during a presentation. A lesbian participant said a professor denied her thesis topic on LGBTI issues. A gay man said his friend was kicked out of university when administrators discovered his sexual orientation. Across groups, LGBTI people said textbooks do not discuss LGBTI issues and classroom discussion rarely broaches these topics.’¹⁰³

11.2.2 The UN Development Programme (UNDP) published a report in December 2021 on economic growth and human development in Bangladesh, which stated that ‘Youth belonging to the transgender community, are often humiliated and harassed by their peers (equivalent) at educational institutions and are forced to leave early.’¹⁰⁴

11.2.3 In November 2020, BBC News reported on the opening of a privately funded madrasa (Islamic school) in Dhaka, exclusively for hijras¹⁰⁵.

11.2.4 In October 2022, LGBTI rights group, Erasing 76 Crimes, reported that a gay teacher, Ramzan Ali, from a college near Dhaka had been barred from teaching after students boycotted his class because he was accused of a gay encounter with a student in 2008. Although the accusation was found to be true by the school board at the time, Ali challenged the case in court. Lawyer Shahanur Islam protested the teacher’s exclusion, noting he had not been convicted in a court of law¹⁰⁶. Corroborating or further information could not be found amongst the sources consulted by CPIT (see [Bibliography](#)).

11.2.5 Reuters reported in February 2023 that, in an effort to raise awareness and foster acceptance, new textbooks featuring hijras were rolled out at the beginning of 2023 for millions of schoolchildren aged between 11 and 13. Reuters stated that ‘The textbook contains images of transgenders in respectable jobs, including a beautician, a development worker and an elected mayor, and the fictional story of a child who transitions, takes a female name and goes to live with a transgender community.’¹⁰⁷

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11.3 Employment

11.3.1 The IRI report stated that ‘It is often difficult for LGBTI people to get jobs. Employers often do not want to hire gay men, bisexuals or lesbians. Many transgender women live on the street and lack the education and skills to get

¹⁰² Shahanur, I, ‘[How can society promote equality and respect for LGBTQI+ rights...](#)’, 1 April 2023

¹⁰³ IRI, ‘[Understanding the Lives of Bangladesh’s LGBTI Community](#)’ (page 11), 8 April 2021

¹⁰⁴ UNDP, ‘[Advancing Human Development in Bangladesh](#)’ (page 120), December 2021

¹⁰⁵ BBC News, ‘[Transgender in Bangladesh: First school opens for trans students](#)’, 6 November 2020

¹⁰⁶ Erasing 76 Crimes, ‘[Gay teacher barred from teaching in Bangladesh](#)’, 18 October 2022

¹⁰⁷ Reuters, ‘[In Bangladesh, new school textbook features transgender people](#)’, 24 February 2023

jobs. Other participants said that if they receive a job, they encounter sexual harassment or bullying from their co-workers. Intersex people face a different challenge: Government jobs require an applicant to note their sex, which is impossible for them.¹⁰⁸

- 11.3.2 The UNDP December 2021 report noted ‘Discrimination in the workplace is faced by people of transgender communities. Lack of enforcement of laws for non-discrimination is a major weakness in this regard.’¹⁰⁹
- 11.3.3 The DFAT report of November 2022 noted ‘While they have an established role in Bangladeshi society, hijra remain marginalised. Few mainstream employment options are open to hijra, and many obtain income through informal and sometimes criminal means, including extortion, performing at ceremonies, begging or sex work.’¹¹⁰
- 11.3.4 In June 2021, it was reported that, in an effort to boost social inclusion, the government had offered a tax rebate to companies where transgender people made up 10% of their workforce, or have at least 100 transgender staff members^{111 112}.

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11.4 Healthcare

- 11.4.1 The IRI report found that ‘When accessing healthcare, participants [of focus group discussions] faced various problems including sexual assault or harassment, refusal of treatment and ignorance about sexuality and sexually transmitted diseases.’¹¹³
- 11.4.2 According to a study by Prima Alam, as part of their doctoral research at the London School of Hygiene & Tropical Medicine, that took place in 2019 amongst LGBTI individuals, published in January 2023 ‘... transgender and gay participants spoke of concerns around, and experiences of, being discriminated against by healthcare professionals. In terms of perceptions, queer participants were of the view that disclosing their sexuality/being “found” to be queer could result in discrimination from most healthcare providers. Most queer respondents, therefore, preferred to seek out LGBTQ + friendly doctors for sexual health issues.’¹¹⁴
- 11.4.3 In December 2021, The Business Standard reported on a local hospital, a one hour drive from Dhaka, that had a dedicated room for the treatment of trans people every Sunday after one of the doctors recognised the need for better services¹¹⁵. The report noted ‘The simple but bold initiative that unlocked health access to third gender people met with enormous appreciation by the marginalised group, broke the gender-related stereotype, and minimised the community relationship gap between the group and

¹⁰⁸ IRI, ‘[Understanding the Lives of Bangladesh's LGBTI Community](#)’ (page 11), 8 April 2021

¹⁰⁹ UNDP, ‘[Advancing Human Development in Bangladesh](#)’ (page 122), December 2021

¹¹⁰ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.127), November 2022

¹¹¹ Al Jazeera, ‘[Tax rebate for Bangladesh companies hiring transgender people](#)’, 4 June 2021

¹¹² Reuters, ‘[Firms hiring transgender staff could get tax breaks in Bangladesh](#)’, 3 June 2021

¹¹³ IRI, ‘[Understanding the Lives of Bangladesh's LGBTI Community](#)’ (page 12), 8 April 2021

¹¹⁴ Alam, P, Marston, C, ‘[“Bending” against straightening devices: queer lived experiences...](#)’, 2023

¹¹⁵ The Business Standard, ‘[Once denied treatment, now welcomed...](#)’, 18 December 2021

general people.’¹¹⁶

11.4.4 According to human rights defender, Shahanur Islam, writing in April 2023, ‘... Mental health care providers have been known to use language that shames LGBTQI+ individuals, while HIV testing and treatment continue to be stigmatized.’¹¹⁷

11.4.5 The USSD HR Report 2022 noted that:

‘Mental health care was a top concern, and according to [LGBTI] groups, mental health-care providers tended to use moralistic terms to shame LGBTQI+ persons. PrEP and PEP, preexposure and postexposure medications that prevent transmittal of HIV during sex, were available via a pilot project in Dhaka but not in the rest of the country. The government made HIV testing free, but stigma regarding testing and seeking treatment remained strong.’¹¹⁸

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12. LGBTI community

12.1 Living openly

12.1.1 The DFAT report, dated November 2022, stated that the LGBTI community was hidden¹¹⁹, and that ‘Almost all LGBTI people in Bangladesh keep their sexual orientation or gender identity secret.’¹²⁰ The IRI report noted that sexual and gender minorities (apart from hijras) cannot freely express their sexual identity, particularly in public, and that ‘LGBTI people often hide their identity out of fear.’¹²¹ As noted by GHRD, ‘Lesbians are unlikely to be open about their sexual identity, as doing so would make them highly vulnerable to societal violence.’¹²²

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12.2 NGOs and support

12.2.1 The USSD HR Report 2022 noted that:

‘Organizations working on LGBTQI+ topics in the country faced major hurdles to fund and implement projects due to their inability to register with the government as formal LGBTQI+ NGOs. To get around this challenge, some organizations registered as social services or diversity-focused NGOs. Other organizations choose to operate without registration, but they were then precluded from directly accepting foreign funding. Organizations specifically assisting lesbians continued to be rare. Severe social stigma regarding sexual orientation was common and prevented open discussion of the subject.’¹²³

¹¹⁶ The Business Standard, ‘[Once denied treatment, now welcomed...](#)’, 18 December 2021

¹¹⁷ Shahanur, I, ‘[How can society promote equality and respect for LGBTQI+ rights...](#)’, 1 April 2023

¹¹⁸ USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 6), 20 March 2023

¹¹⁹ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.122), November 2022

¹²⁰ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.121), November 2022

¹²¹ IRI, ‘[Understanding the Lives of Bangladesh's LGBTI Community](#)’ (pages 1, 2, 6), 8 April 2021

¹²² GHRD, ‘[LGBTQ+ Rights in Bangladesh](#)’ (page 13), June 2022

¹²³ USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 6), 20 March 2023

12.2.2 According to the DFAT report, dated November 2022:

‘Some limited services for LGBTI women (not transgender women, see below) exist, including a helpline for women. Social gatherings for LGBTI women do not exist publicly, though women communicate with each other using encrypted messaging services or social media. In general, the strong taboo against LGBTI people and patriarchal attitudes towards women generally lead to invisibility of LGBTI women and, as a result, information is difficult to obtain.’¹²⁴

12.2.3 Organisations who support individuals and advocate for LGBTI rights include:

- [Badhan Hijra Sangha](#)
- [Bandhu Social Welfare Society](#)
- [Boys of Bangladesh](#)
- [Inclusive Bangladesh](#)
- [Noboprobhaat](#)
- [Roopbaan](#)

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12.3 LGBTI spaces

12.3.1 Freedom House reported in its Freedom on the Net 2022, which covered the period June 2021 to May 2022 and cited various sources, that ‘Media outlets, social media platforms, blogs, and websites represent diverse interests within society. For example, LGBT+ people have turned to online platforms as a safe space to express their opinions and experiences in response to broad discrimination in the country. However, the overall environment in Bangladesh is hostile and dangerous for LGBT+ people: state discrimination is prevalent and there have been violent, sometimes fatal, attacks in recent years.’¹²⁵

12.3.2 The USSD HR Report 2022 stated that ‘Members of LGBTQI+ communities received threatening messages via telephone, text, and social media... They stressed the need for online and physical security due to continued threats of physical violence.’¹²⁶

12.3.3 The IRI report on Bangladesh’s LGBTI community noted that ‘Online, where LGTBI people can express themselves honestly under the cover of anonymity, participants [of the IRI focus groups] said pro-LGBTI blogs or Facebook posts are inundated with threats and negative comments. The participants said religion feeds this intolerance.’¹²⁷

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12.4 Pride events

12.4.1 According to their Twitter account, ‘Dhaka Pride is the only LGBTIQ+ Public

¹²⁴ DFAT, ‘[Country Information Report Bangladesh](#)’ (paragraph 3.126), November 2022

¹²⁵ Freedom House, ‘[Freedom on the Net 2022: Bangladesh](#)’ (section B7), 18 October 2022

¹²⁶ USSD, ‘[2022 Country Reports on Human Rights Practices](#)’ (section 6), 20 March 2023

¹²⁷ IRI, ‘[Understanding the Lives of Bangladesh's LGBTI Community](#)’ (page 8), 8 April 2021

Pride Event in Bangladesh, happening since 2021.¹²⁸ Inclusive Bangladesh reported that the event occurred only online '[d]ue to the legal and social obstacles faced by the LGBTIQ+ community in Bangladesh...'¹²⁹

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¹²⁸ Twitter, '[Dhaka Pride ১০🇬🇧 \(@dhkpride\) / Twitter](#)', joined November 2022

¹²⁹ Inclusive Bangladesh, '[Dhaka Pride: Pride2Power](#)', no date

Research methodology

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

All the COI included in the note was published or made publicly available on or before the 'cut-off' date(s). Any event taking place or report/article published after these date(s) is not included.

Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

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

Wherever possible, multiple sourcing is used and the COI compared and contrasted to ensure that it is accurate and balanced, and provides a comprehensive and up-to-date picture of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote.

Full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

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Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of the issues relevant to the scope of this note and forms the basis for the [country information](#).

The Home Office uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

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

- Legal context
 - general anti-discrimination provisions (and inclusion or absence of reference to LGBTI persons)
 - same-sex sexual behaviour
 - same-sex couples, including civil union and marriage
 - gender reassignment/transition, and recognition of gender identity of trans persons
 - relevant significant court cases and caselaw
- State attitudes and treatment
 - statements made by government figures and public officials
 - government policies/programmes that assist or discriminate against LGBTI persons
 - restrictions/enforcement of law against LGBTI organisations
 - other state treatment, such as harassment, blackmail, bribery, corrective therapy
 - access to public services
- Societal attitudes and treatment
 - public opinion/views/surveys, including anti-LGBTI movements and public demonstrations
 - prevailing cultural and family attitudes to male/female relationships, family and non-conforming behaviour
 - religious group attitudes, statements and actions
 - media representation, language and discourse
 - treatment by the public, including family members
- LGBTI people and their lives
 - LGBTI organisations (including possibility to operate openly)
 - Meeting places and events for LGBTI persons.

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Clearance

Below is information on when this note was cleared:

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Changes from last version of this note

Updated country information and assessment

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