



**An Unsafe Haven:  
Challenges of Bangladeshi LGBTIQ  
people inside and outside  
the community**



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outside the community**

This publication is commissioned by ILGA Asia - the Asian Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, representing more than 170 LGBTI organizations in East, South, Southeast, and West Asia. The document has been produced in consultation with member organisations and key partners as suggested by member organisations in the country. Permission to quote or otherwise use the information has been provided by the informants.

The analysis in the report is intended to recommend ILGA Asia to produce a strategic plan for 2021-2025. Positions in the report lie with the participants of the consultations and interviews, and do not reflect the values and viewpoints of the collective network.

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# Executive Summary

## Overview

This report covers an overview of the human rights situation of the LGBTIQ population of Bangladesh and has been designed to identify advocacy priorities in the next five years. The study also sheds light on the existing strategies used by the LGBTIQ organizations and activists to conduct advocacy and poses opportunities and recommendations for them as well as international bodies including ILGA Asia on how they can better support the local LGBTIQ community. The findings of the study will help ILGA Asia, the LGBTIQ community and organizations in Bangladesh, LGBTIQ allies, and other human rights organizations to move forward in alignment and coordinated efforts. The methodology of the study included primary research which consisted of three key informant interviews with LGBTIQ and Hijra organizations in Bangladesh and one consultation meeting with 14 key informants including LGBTIQ community members, representatives of LGBTIQ organizations, and independent activists. It further included a literature review of existing resources including news articles, research papers, interviews, archives, and stories that have been published within the last five years.

## Context Analysis

The political landscape of Bangladesh is defined by the misuse of power, silencing of voices against State mechanisms, and violation of freedom of speech, expression, and assembly by citizens and activists. The LGBTIQ community are mostly invisible and often pushed to the margins, largely due to religious conservatism which considers homosexuality as a sin, threats of radicalized groups and fear of being arrested by law enforcement agencies under Section 377. Besides the unaccepting nature of social institutions such as the family, online



social platforms are generally hateful towards the LGBTIQ community. Attempts at visibility have been carried out by community-based organizations. However, these have subjected the activists to anonymous threats, intimidations, verbal abuse, online attacks, and sometimes even physical assault that was brutally reflected in 2016 when two prominent LGBTIQ activists of Bangladesh were murdered by a terrorist group. Hijra community in Bangladesh remains the most visible and most accepted queer identity and has been supported by a special gazette recognizing them as a separate sex by the Ministry of Social Welfare. However, in a country where conservative social norms and religious views drive the mindset of the masses, the political parties reserve their support for the LGBTIQ community as it goes against the sentiment of the mass. However, the LGBTIQ organizations and activists have been working on numerous innovative approaches to ensure the rights of the community that include advocacy under the umbrella of Hijra issues, knowledge production and advocacy through art, and capacity building of the community to develop their leadership.

## Challenges and recommendations

Women in Bangladesh face many challenges including the lack of family support for higher education, gender-based violence, high pressure of marriage at a young age, lack of decision-making power, lack of access to SRHR, and other challenges influenced by religious conservatism. These issues impact lesbian and bisexual women harder because of their sexual orientation. There is also a lack of lesbian and bisexual women in the leadership roles in most of the LGBTIQ organizations in Bangladesh as patriarchy also exists within the LGBTIQ community. Transgender men also face similar challenges as they are constantly pushed by their family and society to adhere to the gender norms that had been socially attached to their sex. Transgender people in general face barriers in legal name change in official documents as they have reported being harassed and denied by the relevant authorities. The challenges are multiplied for intersex people. The term “Hijra” is wrongly used interchangeably with intersex people, which makes it difficult for them to stand up for their rights. Society fails to understand issues that are specific to intersex people like sex corrective surgeries on intersex babies.



There are several challenges that are common to all segments of LGBTIQ communities in Bangladesh like communication barriers, lack of leadership, financial barriers to organizing, internal conflict within the community, and threats to holistic safety of the activists and individuals. LGBTIQ grassroots organizations are also unable to register as such as NGO applicants are required to go through a security check by the police who does a thorough assessment of the organizations along with its constitutions. This is aggravated by the lack of sensitized media and a shrinking civic space for the LGBTIQ community in general.

Several opportunities lie ahead for Bangladesh's LGBTIQ organizations and their key stakeholders – spanning across a strategic network of allyship that they can rely on assisting them in their pursuit of equal rights. Collectively, LGBTIQ activists and organisations have considered exploring intersectional opportunities with the rising feminist movement across the country – observing on how global human rights alliances between SOGIESC and the feminist movement easily intersect. In the local context, LGBTIQ organizations can form a coalition with the feminist and legal rights organizations for joint working group or committee focusing on the reformation of rape laws to include intersex rape victims, as well as those who were assigned male at birth. The Hijra gazette can be regarded as an entry point, especially for further advocacy for the transgender and intersex community. Continuing and strengthening relationships with ally organizations can allow LGBTIQ organizations to find intersectionality on common grounds and join forces in campaigns, advocacy efforts, and service provision. Collaborated advocacy efforts can also be done to address the healthcare needs of LGBTIQ youth under the recently enacted National Adolescent Health Strategy.



# Background

## Introduction of study

Bangladesh is a South Asian Muslim majority country with laws that pose several impediments to the LGBTIQ community and activists in achieving equal rights (Human Dignity Trust) (Amundsen, 2018). The study explores the situation of human rights of the LGBTIQ population of Bangladesh and has been designed to identify advocacy priorities in the next five years. The study also sheds light on the existing strategies used by the LGBTIQ organizations and activists to conduct advocacy, and poses opportunities and recommendations for them as well as international bodies including ILGA Asia on how they can better support the local LGBTIQ community. The findings of the study will help ILGA Asia, the LGBTIQ community and organizations in Bangladesh, LGBTIQ allies, and other human rights organizations to move forward in alignment and coordinated efforts.

## Methodology

For the primary research, we conducted –

- Three key informant interviews<sup>1</sup> with LGBTIQ and Hijra organizations in Bangladesh
- One consultation meeting with 14 key informants including LGBTIQ community members, representatives of LGBTIQ organizations, and independent activists

For the secondary research, we conducted –

- A literature review of existing resources including news articles, research papers, interviews, archives, and stories that have been published within the last five years

## General human rights situation in Bangladesh

The political landscape of Bangladesh was once defined as democratic. However, it has been shifting towards

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<sup>1</sup> Throughout this report, pseudonyms for interviewee and organization have been used to protect their identities.

autocracy for over a decade with power constantly alternating between two leading political parties. Since the ruling party took over in 2008, the state mechanisms and advocacy focuses have aligned to the priorities of the party. However, the current ruling system is still being defined by the misuse of power, silencing of voices against State mechanisms, and violation of freedom of speech, expression, and assembly by citizens and activists (US Department of State, 2018).

During the third Universal Periodic Review (UPR) cycle of Bangladesh in May 2018, UN Member States made a total of 251 recommendations, of which the government of Bangladesh accepted 178 and noted 73. However, they failed to take any significant steps to implement recommendations and made little progress in implementing accepted recommendations (Solidarity Group of Bangladesh, 2020).

According to Amnesty International, in 2019, the State continued to restrict the freedom of expression which was evident by the high number of arrests of journalists, bloggers, and activists under the Digital Security Act 2018. Journalists of mainstream newspapers told Amnesty that they refrained from publishing stories for fear of reprisals or intimidation from members of intelligence agencies. In January, an opposition activist was arrested for allegedly “spreading anti-state propaganda” on Facebook. In May, a poet, a university teacher and another youth were arrested under DSA provisions<sup>2</sup> for social media posts deemed to “hurt religious sentiment” (Amnesty International). The law enforcement agencies operate with impunity and are being empowered by the State to conduct severe violations of human rights. In the same report, Amnesty International mentions that in 2019, more than 388 people were killed by the security forces in alleged extrajudicial executions (EJEs)—279 people were killed before arrest, 97 people killed after arrest, and others were killed after torture or other means.

Gender-based violence remains the most pervasive form of human rights violation that women and girls are regularly facing in Bangladesh. A series of studies by Manusher Jonno Foundation published in June 2020 found that in May 2020, 97.4% (11,025) of 11,323 women who were respondents of the study were victims of domestic violence (Hasan, 2020).

<sup>2</sup> Section 25(1)(a) and Section 28.

## LGBTIQ rights situation in Bangladesh

In 2018, during the Third Cycle of the UPR, Bangladesh received recommendations from Brazil, Canada, Norway, Slovenia, Mexico, Argentina, Honduras, Belgium, Germany, Italy and Finland to remove Section 377 of the Criminal Code and adopt effective protection from discrimination, harassment and violence against the LGBTIQ community. The country rejected all of them (Human Rights Council, 2018).

The LGBTIQ population of Bangladesh is predicted to be at least 1.5 million in one article (Ebert, 2012). The members of the LGBTIQ community have exhibited excellence in their individual lives. However, as a community, they are invisible and often pushed to the margins. Attempts at visibility have been carried out by civil society organizations such as Mongol, Shikriti, Alo, Nishchit, Dhonno, etc.\* However, these have subjected the activists to anonymous threats, intimidations, verbal abuse, online attacks, and sometimes even physical assault.

There have been some positive responses from the government in acknowledging the *Hijra* population in relevant policies, however the implementation of the programs has exposed them to human rights violations. On January 26, 2014, the Bangladesh cabinet announced the recognition of a third gender category in its gazette with a single sentence: *"The Government of Bangladesh has recognized the Hijra community of Bangladesh as a Hijra sex."* IR mentions,

*"This circular represented a significant step toward securing a range of human rights for Bangladesh's Hijras—a group of mostly those assigned "male" at birth, but self-identified as feminine later in life, who prefer to be recognized as Hijra or a third gender. However, the State 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 the government still has no clarity about who qualifies as a Hijra." (ILGA Asia, 2020)*

In December 2014, the Ministry of Social Welfare invited *Hijras* to apply for employment opportunities in the government. However, the applicants needed to go through

a medical check-up to validate themselves as “authentic *Hijras*”, during which their genitals were touched and examined while being asked inappropriate questions about their sexuality and body parts (Human Rights Watch, 2016). This is due to the widespread misconception that all *Hijra* people are born with ambiguous genitalia or are intersex.

Our report on Bangladesh aims to explore the legal, cultural, social, religious, and political situations that impact the LGBTIQ community, the strategies taken by the community leaders to navigate the challenges, the advocacy priorities for the next five years, and the opportunities that can achieve real change.





# Context Analysis

## Policy and legal context

The Constitution of Bangladesh 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.' While this implies that all citizens are granted basic rights, it is worth noting that there are no laws in Bangladesh prohibiting discrimination based on sexual orientation or gender identity. On the other hand, sexual activity between men, whether consensual or not, is illegal. Section 377 of the Bangladesh Penal Code, initially enacted by the colonial Government in British India (which included Bangladesh at the time) in the 1860s, provides: "*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.*" The term 'unnatural' can be assumed to mean any form of sexual intercourse that cannot result in progeny - thus criminalizing all non-heterosexual intercourse. Although the law is not systematically applied and no cases have led to legal proceedings or convictions, there is significant harassment, public exposure, and stigmatization of LGBTIQ individuals by the police and the media, often using Section 377 as a reason. It is often paired with Article 86 of the Dhaka Metropolitan Police Ordinance (detention for being found under suspicious circumstances between sunset and sunrise) and Sections 54 and 55 of the Code of Criminal Procedure (allowing law enforcement agencies to arrest someone without a prior warrant) (OFpra, 2015). However, law enforcement agencies have used other laws to arrest LGBTIQ individuals in the past. In May 2017, law enforcement agency Rapid Action Battalion (RAB) detained 28 people at what it called "a homosexual party"

at a community center in Dhaka’s Keraniganj. A narcotics case was later lodged against the detainees based on the allegation that RAB found yaba drug tablets and marijuana at the party (Mahmud, 2017).

Through both the literature review and discussions, the consensus we reached was that the *Hijra* community is the most visible in all the studies and advocacy work. As a significant number of people in the *Hijra* community are transwomen and intersex who are also a part of the LGBTIQ community, it is comparatively easy and safe for the LGBTIQ rights-based organizations to run advocacy and service projects for the *Hijra* community. In 2014, the Social Welfare Ministry of the Bangladesh government acknowledged the sex of *Hijra* people as “*Hijra sex (lingo)*” in a gazette. It is important to note that *Hijra* is considered as a sex without any definition of the *Hijra* sex or gender in the gazette (Bangladesh Gazette, 2014). It is argued that the gazette left out the gender perspective because the relevant authorities still cannot fully distinguish between sex and gender, believe that *Hijra* people are exclusively intersex, and still deny acknowledging transgender men and women. BJ, a researcher and gender rights activist, mentioned,

*“Time to time the Ministry of Social Welfare has issued these types of gazettes to acknowledge the underprivileged community, such as Bede, Dalit. The objective of these acknowledgements is to ensure the basic rights of these communities by providing financial incentives, special jobs, and scholarships for education. So, even when they are recognizing Hijra community as Hijra sex, unfortunately, there is no gender perspective.” (ILGA Asia, 2020)*

## Social and cultural context

While the law and policy are not approving of the rights of the LGBTIQ people, at the same time, the societal, cultural, and religious sentiments of the masses have failed to create a safe space (Human Dignity Trust). In our discussions, all the participants agreed that Bangladeshi society needs to be educated about gender and sexual diversity. SL, a self-identified lesbian woman and a community organizer, mentioned,



***“The heteronormative concept and binary mindset do not allow the mass people to accept gender and sexual diversities in society. In this context, families can play an important role in taking the side of their LGBTIQ children, but unfortunately, in most cases, they force their LGBTIQ children to live a heterosexual life, otherwise disowning them for not following the binary gender concept. (ILGA Asia, 2020)”***

Besides the unaccepting nature of social institutions (such as the family), online social platforms are generally hateful towards the LGBTIQ community. MRZ, a bisexual female who runs an LGBTIQ Facebook group, reported that,

***“Whenever the young queer people are posting about their gender identity and orientation on social media, they are facing terrible hate speeches and getting threats from a huge number of users. So, when we are thinking about educating society on gender and sexuality, we also need to think about social media awareness to reduce online hatred and threats. (ILGA Asia, 2020)”***

Besides the cultural and social context, conservative religious mindsets also play a vital role in creating barriers. For centuries, the dormant LGBTIQ society had coexisted with the major religion, Islam. Small attempts at reconciliation had been made in the past including Roopbaan’s consecutive arrangement of Iftar parties (*Roopbaan, 2017c*). But these attempts fell through with the onslaught of attacks from religious forces. The gruesome atrocities include the murders of the activists Xulhaz Mannan and Mahbub Rabbi Tonoy by Ansarullah Bangla team (a banned Islamic jihadi organization). The participants expressed their fear regarding Wahhabism’s rise, a literalist and non-pluralist sect of Islam, in Bangladesh. While some of them find Islam to be strict and anti-LGBTIQ, most of them believe there are spaces for reconciliation. This is echoed by RZ. from *Mongol* during a personal interview. According to him, some efforts had already been made by Bandhu to sensitize faith leaders on *Hijra* issues. They plan to bring in pro-LGBTIQ imams (Muslim religious leaders) from abroad to Bangladesh and with them, hold meetings with faith leaders here and

sensitize them on LGBTIQ issues as well. The participants stressed on developing counter-narratives to fight back fundamentalist views on sexuality and gender and carve out a positive space for LGBTIQ inclusion in conversations on religion.

## Political context

In a country where conservative social norms and religious views drive the mindset of the masses, the political will for the rights of LGBTIQ people cannot be ensured. Most of our participants agreed that political parties only care about their vote bank, and they will not enact any law or policy to preserve the rights of LGBTIQ people if it goes against the sentiment of the majority. However, in the history of Bangladesh, the government made progressive moves related to LGBTIQ rights to polish their image for the international community to see before the national elections. LU., a queer rights activist, reported that,

*“The Hijra gazette, for example, was enacted right before an election to show their progressive nature to get international support. Similarly, an anti-discrimination bill was being drafted before the last election, but it has now entered development hell. (ILGA Asia, 2020)”*

The current government of Bangladesh has been run by the same political party since 2008, and the legitimacy of the last two elections under the ruling party has been questioned by the local and international community (Paul, 2014). The ruling party tried to make many progressive moves before elections to set a liberal image for themselves and to receive international support to establish the election as a valid one. LU. brings up an important aspect of Bangladesh’s political context to show how political commitments are navigated before and after the election. A significant LGBTIQ policy change might be impossible due to the vote bank, but comprehensive international advocacy can push the government towards a positive change in laws and policies, such as health policies with protection for the right to health of the LGBTIQ people and comprehensive sexuality education which includes gender and sexual diversity, etc.



# Strategies and Approaches

The LGBTIQ community has been working on numerous innovative advocacy approaches despite facing a multitude of challenges because of the legal, social, cultural and political context in Bangladesh. Some of them have been clustered under the following ways:

## Advocacy under the umbrella of Hijra issues

Due to their visibility, the Hijra people are more accepted in society. Organizations working for Hijra rights gained some progress from a health perspective, which became their prime entry point to claim the rights. In 1997, Mongol started to work on HIV/AIDS issues with the focus on the Hijra people. They have implemented some projects aligned with the National HIV/AIDS Prevention program. They were also reaching out to the gay people under the *Kothi* and Men who have Sex with Men (MSM) identities (ILGA Asia, 2020). Unfortunately, the gay community was always labeled as MSM, which is a clinical term describing sexual behaviour that might not correctly describe members of the LGBTIQ community to the Government.

## Knowledge production and advocacy through art

The LGBTIQ activists have been producing educational materials on gender and sexuality to sensitize the masses and mobilizing the community to strengthen the network. In the last five years, various non-registered LGBTIQ organizations published magazines, poetry books, collections of queer letters, anthologies, etc. As they do not have the opportunity to work with the Government for policy advocacy directly, they chose art and cultural events to bring LGBTIQ voices to mainstream society.

## Leadership and capacity building

Along with publications and cultural advocacy, non-registered LGBTIQ organizations also emphasized leadership building to improve the community's capacity to advance the movement. *Dhonno* and *Shikriti* organized three leadership programs where LGBTIQ activists participated and received community mobilization training. In 2019, *Shikriti* organized an intensive three-month-long Diversity Advocacy Fellowship where seven participants from the LGBTIQ community were trained on advocacy strategies. The objective of programs like these are to create enough well-capacitated youth to strategically ignite the movement.





# Advocacy Priorities

The issues impacting the LGBTIQ community vary across different identities. We wanted to gain a deeper understanding into these issues without erasing any, especially those identified by people whose voices are unheard within the community itself. During our consultation, we encouraged inputs across different identities, and we have noted them accordingly.

## Issues impacting lesbian and bisexual women

The participants mentioned that women in Bangladesh face many challenges including the lack of family support for higher education, high rate of gender-based violence and domestic abuse, high pressure of marriage at a young age, lack of decision-making power, lack of access to

basic sexual and reproductive health and rights, and other challenges. There is also significant societal expectation backed by religious conservativeness that an ideal woman should get married with a man, stay home, and be a good mother. These issues impact lesbian and bisexual women harder because of their sexual orientation. El., a participant in the Consultation meeting, mentions,

*“Many lesbian women are pushed for marriage by their parents against their will and thus get subjected to marital rape by their husbands. Bisexual women feel erased in the LGBTIQ scene in Bangladesh because the wider community still refuse to acknowledge bisexuality. Also, like other communities in Bangladesh, patriarchy too is prevalent in the LGBTIQ community with the voices of gay cisgender men ruling over other voices. (ILGA Asia, 2020)”*

The participants also mentioned that LBQ women outside Dhaka continue to remain out of reach of LGBTIQ activism because of the lack of strong networks. The need of cultivating female leadership was also discussed as there is a lack of lesbian and bisexual women in the leadership roles in most of the LGBTIQ organizations in Bangladesh. To address these issues, lesbian and bisexual women mentioned the following scopes of advocacy within and outside the LGBTIQ community:

- Addressing gender binary and sexual fluidity within the LGBTIQ community to eradicate internal patriarchy, internalized homophobia, biphobia, lesbophobia, and transphobia.
- Undertaking more leadership training and specific programs to develop female and feminist leadership within the LGBTIQ community.
- Developing outreach to include lesbian and bisexual women outside Dhaka and in divisional cities, towns, and rural communities.
- Forming partnerships with feminist organizations and encouraging government interventions for women empowerment and employment to tackle forced marriages of LBQ women.

- Enacting policies and forming partnerships with relevant allies to address sexual and reproductive health and rights for all, especially mental and physical healthcare for LBQ women.
- Forming partnerships with organizations working with comprehensive sexuality education (CSE) to sensitize young people about diverse sexual orientation, gender identity and expressions and sex characteristics (SOGIESC)
- Increasing positive media representation of LBQ women and female sexuality.
- Enacting state policies to protect diverse gender expression under the Digital Security Act and Section 54 of the penal code.

### Issues impacting gay and bisexual men

The participants who identified as gay and bisexual men discussed that recently there has been a rise of male rape victims, which is evident by recent cases in local madrasas. However, there are no rape laws in Bangladesh under which male rape victims can file a case against perpetrators (Wares, 2020). In an article at The Daily Star, lawyer Huda, T. mentions, "A multi-country study by the UN found that 2,374 men in Bangladesh had reported being raped by other men. Moreover, the rape and sexual abuse of boys in madrasas by their male teachers is highly prevalent across the country." (Huda, 2019) The participants discussed that in this year, there have been at least 3 different cases of extortion and blackmail where victims were held against their will after they visited a person's home whom they met through online dating platforms. However, they refused to report these to the police station as they feared that they would be arrested themselves due to Section 377. The lack of justice also came across in their discussion about the murder case of LGBTIQ activists – the murders of Xulhaz Mannan and Mahbub Rabbi Tonoy. As per a report by Dhaka Tribune, four people have been arrested in the case and a charge sheet has been filed in 2019 (Tipu, 2019). The trial has been taking a long time due to the alleged inaction by the law enforcement agencies. Among other challenges, the participants mentioned there is a lack of leadership

within the LGBTIQ community, resulting in conflicts that inhibit progress. The participants also noted that due to the lack of sensitized service providers, gay and bisexual men are not able to seek medical support for sexually transmitted diseases (STD). All participants expressed concern about the increasing religious fundamentalism in the country.

To address these issues, gay and bisexual people mentioned the following scopes of advocacy within and outside LGBTIQ community:

- Enacting legal guidelines on male sexual harassment and rape as these cases are linked with homosexuality which may criminalize the victims themselves.
- Holding the state and relevant law enforcement agencies accountable for the speedy trial of the accused of the murder of Xulhaz Mannan and Mahbub Rabbi Tonoy.
- Advocating for an elaboration or modification of Section 377 so that it exempts consensual sex between two adults.
- Advocating for the speedy review and implementation of the draft Anti-Discrimination Act (2018, under review) that prevents institutional discrimination based on sexual orientation or gender identity.
- Advocating for the inclusion of sexual and reproductive health services for gay and bisexual men.
- Developing counter-narratives that can be used to address religious fundamentalist views on sexual orientation and gender identity.

### **Issues impacting *Hijra* and transgender women**

The participants identifying themselves as *Hijra* and transwomen noted several challenges both within the LGBTIQ and *Hijra* communities and outside. They mentioned that there is a lack of understanding of sexual orientation or gender diversity within the *Hijra* community,



resonating with the statement from IR. during a personal interview when she said,

***“A lot of us [Hijra community] still do not know what our sexual or gender identity is. For example, there are many bisexual men in Hijra clans, but they never admit to being bisexual.”***

They also mentioned that if transgender people had been recognized in the gazette by Ministry of Social Welfare instead of *Hijra*, it would have been beneficial for more people because trans women and trans men would also have been recognized. The participants discussed that many *Hijra* people did not get the chance to continue school or college because of the discriminatory behaviour by school administrators and teachers and bullying by classmates. For this reason, *Hijra* people do not get employment opportunities in the mainstream sectors. People who publicly identify as trans women are unable to get a job as recruiters do not take them in. So even with the passing of the gazette, *Hijra* and trans women remain discriminated against in education and employment because of the widespread social stigma. Many *Hijra* people who had been pursuing entrepreneurship or other jobs like sex work or working in *Hijra*-led beauty parlors lost their source of income during the COVID-19 pandemic. In a recent study to evaluate the impact of COVID-19 on the *Hijra* community, it was found that 82 percent of respondents had not earned “a single penny in the last two weeks” and 59 percent did not receive any support from aid programs or families. The survey also found that on average those surveyed spent more than a third of their income on rent. Some were afraid of eviction, which was increasingly likely for many, given that 86 percent of respondents did not have savings and almost half owed payments on loans (Innovision, 2020).

To address these issues, *Hijra* people and transwomen mentioned the following scopes of advocacy within and outside LGBTIQ community:

- Developing advocacy interventions across all socioeconomic classes to combat discriminatory practices and behaviour against *Hijra* and trans women.

- Adding to and/or replacing the “*Hijra*” term with transgender women in relevant policies, laws, and gazettes.
- Appealing to the Directorate General of Health Services (DGHS) more effectively to ensure the health rights of the *Hijra* community and trans women.
- Advocating for equal employment opportunities for *Hijra* and trans women
- Advocating to Deputy Commissioners and other representatives of the government for inclusion of *Hijra* and trans women in public services

## Issues impacting transgender men

The participants who identified themselves as transgender men mentioned some similar challenges to lesbian and bisexual women. As they had been assigned female at birth, they faced social stigma around their biological sex and were constantly pushed by their family and society to adhere to the gender norms that had been socially attached to their sex. Their voices remained unheard whereas trans women issues had already started to gain visibility in public. The participants mentioned that many young transgender men left their home at an early age. Without higher education and the constant subjection to discrimination during recruitment, they failed to secure jobs.

Some transgender men suffered physical pain after wearing binders for extended periods of time. Yet, they did not want to seek medical help because they feared that they would be outed to their family and society. The participants also mentioned that many young transgender men suffered from body dysphoria. One participant mentioned that in 2016 he went to a hormone specialist to seek advice on hormone therapy but ended up being mocked and humiliated by the doctor. The doctor then referred him to a gynaecologist instead. The same participant also mentioned that he went to a legal aid organization for advice on changing his legal name, but he faced harassment from the officers when they asked whether his parents knew about his gender identity. Legal name change in institutional documents like academic certificates,

passports, national IDs, birth certificates, etc. was a key concern noted by the participants.

To address these issues, transmen mentioned the following scopes of advocacy:

- Developing legal recognition policies for trans men.
- Advocating for mental and clinical support for the health issues of trans men.
- Developing mechanisms to allow for the changing of gender identities in institutional forms and educational certificates.

## Issues impacting intersex people

The issues impacting intersex people were perhaps the most unique among all participants. There is little to no resources available on intersex people in Bangladesh. Even within the LGBTIQ community, conversations around intersex issues are hardly there because of the lack of knowledge and education. The participants identifying as intersex mentioned that the biggest challenge that they face is sex corrective surgeries without consent. NT mentioned,

*“Many families with intersex babies think that this is a deformity that needs to be fixed. Many are also superstitious that families where intersex babies are born into are cursed by God. My uncle told my family that I am the son of Jinn [supernatural creatures in Islamic mythology]. Families who can afford medical help take intersex babies to the doctors to perform sex corrective surgeries. Families who do not have the money leave intersex babies with Hijra groups. Even some rich families also give their intersex babies to Hijra groups because they fear that people will look down on them for having an intersex baby at home. (ILGA Asia, 2020)”*

The participants mentioned that creating awareness on intersex issues is required within the LGBTIQ community as well as outside.

To address these issues, intersex people mentioned the following scopes of advocacy:

- Advocating for mental and clinical support for the health issues of intersex people
- Preventing sex corrective surgeries on intersex babies through awareness campaigns and sensitization of medical practitioners
- Facilitating gender-reaffirming surgeries for consenting adults in health policies
- Encouraging positive representation and awareness among media and religious scholars

## Advocacy priorities across LGBTIQ communities

During our consultation, we noted down the advocacy priorities set by all LGBTIQ participants and the top six key areas for advocacy in the next five years which were voted in by all.

1

**Enacting mental health policies for the LGBTIQ community** - This can be achieved by appealing to national mental health bodies, psychiatry departments of public medical colleges, individual psychiatrists, psychologists, and mental health counsellors, as well as private mental health service providers, etc.

2

**Reforming existing rape laws** - This needs to be done to address sexual violence against gay men, transgender women and intersex people and can be achieved by partnering with legal rights-based organizations like BLAST and Rape Law Reform Coalition.

3

**Prioritising the trial for the murders of Xulhaz Mannan and Mahbub Rabbi Tonoy** - As per a report by Dhaka Tribune, four people have been arrested in the case and a charge sheet has been filed in 2019 (Tipu, 2019). The trial needs to be held as soon as possible so that justice is served.

4

**Including LGBTIQ issues in mainstream Sexual and Reproductive Health and Rights (SRHR)** – So far, LGBTIQ issues are missing from SRHR conversations and can be addressed through advocacy with partners who are already working on SRHR.

5

**Allowing access to healthcare for Hijra and trans women through health policies** – This can be enabled by further advocacy on the published gazette by the MoSW and NGOs and INGOs who are working on health.

6

**Enacting the legal recognition of diverse gender identities** – Since there has been some level of recognition for Hijra as a separate gender, there is a need to push this further and make it inclusive for transgender men and transgender women.





# Potential challenges for LGBTIQ activities

The lack of legal protection and fundamentalist threats have always been the major challenge for LGBTIQ rights activists in Bangladesh. Many ongoing activities had to stop due to threats and safety security concerns. The community is still struggling to use the term “LGBTIQ” for any public event and using many umbrella terms instead. Our Key Informants and the participants in a two-day long consultation meeting identified a few specific challenges that might hamper our future advocacy process.

- Communication barriers, lack of leadership, financial barriers to organizing, and internal conflict within the community slow down the movement.
- Security issues are also limiting the outreach of the LGBTIQ activism to the masses.
- There is a tendency for larger organizations to control newer and smaller organizations and try to push them to join the larger organizations even when their values may differ. They have also been blamed for tokenization of transgender people in front of potential donors.
- Only registered NGOs can receive funds from donors. Because most LGBTIQ organizations are not registered and run primarily by volunteers, they face several challenges in funding their programs or projects, including legal and administrative barriers as well as the lack of skilled resources in payroll who are able to manage big projects. Although the activists can bypass the funding issue through a fiscal agent in some cases,

they are still grappling with fund management, which is a challenge itself.

- To register organizations as NGOs, the organizations need to go through police verification. When Nishchit, a trans-led organization, tried to get registered, they used the word “sexual minority”. The NSI (special section of the police) told them that this was against the culture of the country and they could not be registered. The LGBTIQ organizations feel that there is a risk of getting arrested as their activities may be framed as illegal.
- Print and electronic media are not sensitized to LGBTIQ issues and spread misinformation about gender and sexual diversity. Misinformation about LGBTIQ issues continues to impede advocacy efforts in society.
- Over the years, the number of safe spaces for having open conversations about LGBTIQ issues have been decreasing. The changes in legal, social and cultural issues in Bangladesh play a big role in this.



# Opportunities

## Rising feminist movement around the nation

According to Human Rights Watch, *“Violence against women and girls in Bangladesh appears to have further increased during the Covid-19 pandemic with NGO hotlines reporting a rise in distressed calls. For instance, the human rights and legal services program of BRAC, a major nongovernmental organization in Bangladesh, documented a nearly 70 percent increase in reported incidents of violence against women and girls in March and April 2020 compared to the same time last year.”* (Human Rights Watch, 2020). These incidents have spurred a nationwide movement calling for the end of gender-based violence as well as rape law reformation to address marital rape as a punishable offence. The LGBTIQ community can form a coalition with the feminist and legal rights organizations for the reformation of rape laws to include intersex rape victims, as well as those who were assigned male at birth.

## Hijra gazette as an entry point

The Ministry of Social Welfare has undertaken several livelihood schemes under its Social Safety Net programme for the *Hijra* community, such as provision of a monthly allowance for individuals aged 50 years and above, scholarships for *“Hijra children”*, and skill and capacity development training for the *Hijra* community to engage in income-generating activities. There have also been some government initiatives like *“Manob Polli ”* which is a spacious piece of land where *Hijra* people can stay. (Dinjapur Representative, 2018). These opportunities have created a good foundation for further conversations on the acknowledgement of transgender men, transgender women and intersex people on legal documents. Because the community is widely composed of transwomen and crossdressers and some intersex people, there is an opportunity for further advocacy efforts for transgender and intersex people based on the initiatives that have been already taken by the government to address the rights of *Hijra* people.

### Support from ally organizations

Over the years, LGBTIQ organizations have found allyship from organizations working with legal aid, SRHR, mental health, women rights, and overall human rights. LB. noted,

*“A lot of the CSOs are now working extensively on SRHR, gender, violence against women and girls, etc. I think we have the potential to collaborate and use our perspective in these cases. They also want to be intersectional, inclusive, diverse, and open to the voices of everyone.” (ILGA Asia, 2020)*

Continuing and strengthening these relationships with ally organizations can allow LGBTIQ organizations to find intersectionality on common grounds and join forces in campaigns, advocacy efforts, and service provision. For example, LQS, a mental health support helpline, has been proactively working with LGBTIQ organizations to gain a better understanding of the community and train their helpline volunteers to be sensitive about LGBTIQ issues.

### Combining advocacy efforts for utilizing the National Adolescent Health Strategy

The National Adolescent Health Strategy (NAHS) 2017-2030 has been developed for a period of 14 years – from 2017 to 2030 – to be in line with the Sustainable Development Goals. (Ministry of Health and Family Welfare, 2016). This strategy is guided by human rights principles and clearly states that all adolescents, irrespective of their gender, age, class, caste, ethnicity, religion, disability, civil status, sexual orientation, or geographic divide, have the right to attain the highest standard of health. LGBTIQ organizations can consider forming partnerships with NGOs/INGOs working with adolescent health and address healthcare needs of LGBTIQ youth to the Ministry of Health and Family Welfare.

### Initiation of intersex movement

In 2020, a new informal organization was formed called “AHE”. Previously, there has been no organizing platform for intersex people in the country. According to NT., who is the founder of AHE,



*“Intersex people have always been an underlined community and considered as Hijra due to the lack of understanding among the policy makers and mass people. Also, as it is a physical condition, so we already have some acceptance among the mass people, and that can be a meaningful entry point to advance the policy advocacy for the LGBTIQ people with the Government.” (ILGA Asia, 2020)*

This can present a great breakthrough in the coming years in terms of intersex visibility. Because the *Hijra* community is largely considered (mistakenly) as intersex, some level of understanding is already there in relevant government bodies. If correct terminologies are effectively communicated to them, LGBTIQ organizations can strongly advocate for inclusion of intersex in relevant laws and policies.



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Our vision is a world where Asia is a safe place for all, where all can live in freedom and equality, be properly informed in the nature of sexual orientation and gender identity & expression and sex characteristic (SOGIESC) rights, have access to justice, and diversity is respected.

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