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Bangladesh

Country Conditions Report

Created by the Sexual Orientation and Gender Identity Working Group

International Human Rights Program

University of Toronto

**Produced:** March 2019

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| Introduction |

This report provides an in-depth analysis of the socio-legal status and history of Lesbian, Gay, Bisexual, Trans, and Queer+ (LGBTQ+) people in the People’s Republic of Bangladesh, current as of March 2019. It is intended to provide a comprehensive and up to date survey of relevant legislation, case law, scholarship, and documentation from governmental agencies, nongovernmental organizations, and the media. Bangladeshi law does not protect persons of diverse sexual orientations or gender identities, and instead permits open harassment and discrimination of LGBTQ+ individuals and groups.

The Constitution of Bangladesh does not afford any specific protection to LGBTQ+ individuals. Same-sex acts are prohibited in Bangladesh under s. 377 of the *Bangladesh Penal Code*.[[1]](#footnote-1) Bangladesh refused a 2013 call by the United Nations to repeal s. 377. Although there has never been a conviction pursuant to s. 377, it is often used in tandem with other discretionary police powers, such as s. 54 of the *Code of Criminal Procedure*, to harass LGBTQ+ persons and allow for social and violent discrimination by non-state actors.[[2]](#footnote-2) S. 54 empowers warrantless arrest, provided police suspect they may have committed an offence.

The stigma and lack of legal protections for LGBTQ+ individuals and groups has provoked incidents of violent persecution by state and non-state actors. In May 2017, Bangladesh’s joint-military Rapid Action Battalion (RAB) raided a dinner hosted by LGBTQ+ activists, beating and arresting 28 of the 120 guests present. In 2016, Xulhaz Mannan, editor of *Roopban*, Bangladesh’s first LGBTQ+ magazine, and his friend Tonoy Mahbub, were murdered for LGBTQ+ activism. Acts such as these, carried out by both the public and the state, force LGBTQ+ individuals to hide their identities for fear of violent persecution. Victims of these persecutions have little legal recourse to address them, and thus in recent years much of the LGBTQ+ leadership has gone underground.

Bangladesh has made some strides recognizing rights for transgendered persons. In November 2013 the government of Bangladesh chose to legally recognize “Hijras” as a third gender, allowing this identity to be selected for passports, voting ballots, and other official government documents. Hijra individuals are assigned male at birth and identify with a feminine gender identity. However, despite the government’s promise, local government officials throughout the country have yet to fully implement or accept this legal recognition.

Because of this persecution, the Canadian Immigration and Refugee Board has accepted refugee applications from LGBTQ+ Bangladeshi individuals at risk of violence in their home country. However, the board generally requires a high standard of proof, rather than just a suspicion, that these applicants will in fact be persecuted on the basis of their sexual orientation.

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| Legislation |

## 

***Constitution of the People’s Republic of Bangladesh,* 2004[[3]](#footnote-3)**

The following are the most relevant articles from the *Constitution of the People’s Republic of Bangladesh*. Of note, the Constitution does not address marriage.

1. Article 11 guarantees fundamental human rights and freedoms and respect for the dignity and worth of the person.
2. Article 23 provides that Bangladesh will adopt measures to preserve the cultural traditions of its people.
3. Article 27 provides that all citizens are equal before the law and are entitled to equal protection under the law.
4. Article 28(1) lists enumerated grounds protected from discrimination; sexual orientation is not one of the enumerated grounds.
5. Article 37 guarantees the right to assemble and to participate in public meetings peacefully, subject to restrictions in the interests of public order.
6. Article 38 guarantees the right to form associations and unions provided that they are not formed for the purpose of destroying the religious, social and communal harmony among the citizens.
7. Article 39 guarantees freedom of thought and conscience, subject to reasonable restrictions on the basis of decency and morality.

*Article 11 Democracy and Human Rights*

The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed, and in which effective participation by the people through their elected representatives in administration at all levels shall be ensured.

Article 23 *National Culture*

The State shall adopt measures to conserve the cultural traditions and heritage of the people, and so to foster and improve the national language, literature and the arts that all sections of the people are afforded the opportunity to contribute towards and to participate in the enrichment of the national culture.

Article 27 *Equality before law*

All citizens are equal before law and are entitled to equal protection of law.

Article 28(1) *Grounds of discrimination*

The State shall not discriminate against any citizen on grounds only of religion, race caste, sex or place of birth.

Article 37 *Freedom of Assembly*

Every citizen shall have the right to assemble and to participate in public meetings and processions peacefully and without arms, subject to any reasonable restrictions imposed by law in the interests of public order or public health.

Article 38 *Freedom of Association*

Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interests of morality or public order:

Provided that no person shall have the right to form, or be a member of the said association or union, if-

(a) it is formed for the purposes of destroying the religious, social and communal harmony among the citizens;

(b) it is formed for the purposes of creating discrimination among the citizens, on the ground of religion, race, caste, sex, place of birth or language;

(c) it is formed for the purposes of organizing terrorist acts or militant activities against the State or the citizens or any other country;

(d) its formation and objects are inconsistent with the Constitution.

Article 39 *Freedom of Thought and Conscience, and of Speech*

39(1) Freedom of thought and conscience is guaranteed.

39(2) Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence–

(a) the right of every citizen to freedom of speech and expression; and

(b) freedom of the press,

are guaranteed.

***The Penal Code, 1860* (Act No. XLC of 1860)[[4]](#footnote-4)**

S. 377 *Unnatural Offences*

Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten 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.

* S. 377 of *The Penal Code*, *1860* criminalizes same-sex intercourse with up to ten years of imprisonment and a fine.
* S. 377 does not specify “same-sex” and thus would target opposite-sex couples from committing “intercourse against the order of nature” which can include oral and anal sex.

***The Code of Criminal Procedure, 1898* (Act No. V of 1898)[[5]](#footnote-5)**

*S. 54(1)*

Any police-officer may, without an order from a Magistrate and without a warrant, arrest-

Firstly, any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned;

Secondly, any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house breaking;

Thirdly, any person who has been proclaimed as an offender either under this Code or by order of the Government;

Fourthly, any person in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing;

Fifthly, any person who obstructs a police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody;

Sixthly, any person reasonably suspected of being a deserter from the armed forces of Bangladesh 71[ \* \* \*];

Seventhly, any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of Bangladesh, which, if committed in Bangladesh, would have been punishable as an offence, and for which he is, under any law relating to extradition or under the Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in Bangladesh;

Eighthly, any released convict committing a breach of any rule made under section 565, sub-section (3);

Ninthly, any person for whose arrest a requisition has been received from another police-officer, provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made and it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition.

***The Territorial Force Act, 1950* (Act No L of 1950)[[6]](#footnote-6)**

6.(1) and 6.(2) *Enrollment*

6. (1) Any person who is a citizen of Bangladesh may offer himself for enrolment in the Bangladesh Territorial Force, and any such person who satisfies the prescribed conditions may be enrolled in the prescribed manner for such period, not exceeding six years, as may be prescribed.

(2) An applicant for enrolment may apply to be enrolled for service in any particular branch, corps or unit.

* Any citizen of Bangladesh may enroll in the Bangladesh army—there is no legal prohibition against homosexual individuals from enrolling.

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| Jurisprudence |

***Immigration and Refugee Board Decisions***

1. [RAD File No. MB5-01718, [2015] R.A.D.D. No. 1215, [2015] D.S.A.R. no 1215](https://advance.lexis.com/api/document/collection/cases-ca/id/5N82-DMD1-F2F4-G0JW-00000-00?cite=RAD%20File%20No.%20MB5-01718%2C%20%5B2015%5D%20R.A.D.D.%20No.%201215&context=1505209&icsfeatureid=1517129)

**Holding:** Claim denied; RAD agreed with RPD finding that the story lacked credibility and moreover, stated that even if the allegations were accepted, her age, education and amicable divorce would allow her to separate herself from the stigma attached to LGBTQ+ persons.

* **The Principal Appellant is a lesbian woman, and her children are the other appellants.**
* **The Appellants allege that the Principal Appellant was in a dysfunctional marriage with her husband and had a subsequent relationship with a woman.**
* **Her brother found out resulting in her being forced to flee to Canada.**
* **The board did not accept the claimant’s evidence that she was lesbian and that she and her two children would face persecution if they returned to Bangladesh.**
* **The Principal Appellant appealed the decision of the RPD. The RAD upheld the decision of the RPD due to lack of credibility in the Principal Appellant’s story.**

The Principal Appellant alleged she and her children would face persecution if they returned to Bangladesh because the Principal was accused of being lesbian. The Principal Appellant was in a dysfunctional marriage with her husband and subsequently entered into an intimate relationship with a woman. When discovered by the woman’s older brother, the Appellants were forced to flee Bangladesh and came to Canada. The Refugee Protection Division (RPD) found the Principal Appellant’s story lacked credibility and believed she created this story to seek status in Canada via the refugee system. The RAD agreed with the RPD that not enough evidence was presented to establish the Principal Appellant was lesbian. Even if her allegations were accepted, the RAD found that because she was older, highly educated, and in the process of an amicable divorce, she would likely be able to separate herself from the stigma attached to LGBTQ+ persons in Bangladesh and thus be able to avoid danger. The appeal was dismissed, and the appellants were not deemed “Convention refugees” nor “persons in need of protection.”

2. [RAD File No. TB4-05597, [2014] R.A.D.D. No. 1464, [2014] D.S.A.R. no 1464](https://advance.lexis.com/api/document/collection/cases-ca/id/5MGY-S3S1-F900-G2CJ-00000-00?cite=RAD%20File%20No.%20TB4-05597%2C%20%5B2014%5D%20R.A.D.D.%20No.%201464&context=1505209&icsfeatureid=1517129)

**Holding:** Claim denied; RPD found that the claimant did not have a well-founded fear of persecution due to a lack of evidence and a return trip to Bangladesh after coming to Canada.

* **Appellant is a homosexual man fearing persecution due to sexual orientation and political opinions.**
* **He and his partner had been forced into hiding to avoid being whipped, shamed, or killed.**
* **The appellant came to Canada on a student visa but was denied entry and voluntarily returned to Bangladesh.**
* **He returned to Canada the next year to make a refugee claim.**
* **The board did not challenge the claimant’s homosexuality; however, the board also did not accept that he was in need of protection or faced danger in Bangladesh.**

A homosexual claimant made a refugee claim in Canada for fear of persecution in Bangladesh due to his sexual orientation and political opinions. Homosexuality is not accepted by his faith, and he and his partner had been forced into hiding in order to avoid being whipped, shamed, or killed. The Appellant arrived in Canada in 2013 on a student visa, but was denied entry because officials did not believe he came to Canada to study. The Appellant voluntarily returned to Bangladesh, where he went into hiding once again before returning to Canada later that year to make a refugee claim. When the Applicant made his refugee claim, the appellant was found not credible on material aspects of his claim and the RPD determined he did not have a well-founded fear of persecution. The appellant did not raise enough evidence to indicate he would be subjected to cruel and unusual punishment or would be in danger if he returned to Bangladesh. Moreover, his initial voluntary return to Bangladesh suggested he was not at risk. Accordingly, because his claim lacked a credible basis and he did not satisfy his burden of establishing a serious possibility he would be persecuted, he was deemed not at risk and was deemed neither a Convention refugee nor a person in need of protection.

# Bangladesh Jurisprudence

There were no cases from Bangladesh involving LGBTQ+ persons.

LGBTQ+ persons are at risk of prosecution under section 377 of the Bangladesh *Penal Code* for “unnatural acts” between men.[[7]](#footnote-7) Sex between women is not criminalized and transgender men (hijras) are legally recognized.[[8]](#footnote-8) Despite the existence of section 377, there have been no reports regarding the prosecutions of homosexual men under the *Penal Code*. The *Penal Code* has, however, been used by police to intimidate LGBTQ+ persons and has led to arbitrary arrests and harassment.[[9]](#footnote-9) The fact that charges under section 377 do not go to trial may account for difficulties in finding domestic jurisprudence on cases involving LGBTQ+ persons.

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| International Law |

***UN Treaties***

Bangladesh’s treatment of the following three Treaties are considered in the table below[[10]](#footnote-10)

* International Covenant on Civil and Political Rights (ICCPR)
* International Covenant on Economic, Social and Cultural Rights (ICESCR)
* Convention Against Torture and Other Cruel Inhuman or Degrading Treatment of Punishment (CAT)

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| **Treaty** | **Date of Signature** | **Date of Ratification** |
| *ICCPR* | N/A | 2000 |
| *ICCPR – First OP* | N/A | N/A |
| *ICCPR – Second OP* | N/A | N/A |
| *ICESCR* | N/A | 1998 |
| *ICESCR – First OP* | N/A | N/A |
| *CAT* | N/A | 2000 |
| *CAT – First OP* | N/A | N/A |

***Human Rights Committee***

1. **“Concluding observations on the initial report of Bangladesh” CCPR/C/BGD/CO/1 (April 2017)[[11]](#footnote-11)**

* Raises the concern that the anti-discrimination bill of 2015 has not yet been adopted and that discrimination against certain groups continues to occur including LGBTQ+ individuals in their recommendations for non-discrimination.
* Recommends that the state party ensure that the anti-discrimination bill decriminalizes consensual sexual acts between same-sex couples, provide protection to lesbian, gay, bisexual, and transgender persons from violence and harassment by ensuring that all cases are promptly investigated and that perpetrators are prosecuted and punished with appropriate sanctions, and eliminate barriers to employment and violations to the dignity of “hijras.”

***Committee on Economic, Social and Cultural Rights***

1. **“Concluding observations on the initial report of Bangladesh” E/C.12/BGD/CO/1 (April 2018)[[12]](#footnote-12)**

* Concerned that article 28 of the Constitution prohibits discrimination only on limited grounds, and that the State party has delayed the adoption of comprehensive anti-discrimination legislation. While welcoming the legal recognition of hijras, it remains concerned that same-sex relations between consenting adults are criminalized (art. 2 (2)).
* Recommends that the State party expedite the adoption of comprehensive anti-discrimination legislation that prohibits direct, indirect and multiple forms of discrimination on an open list of grounds and that provides for effective remedies for victims of discrimination, including in judicial and administrative proceedings. It also recommends that the State party decriminalize same-sex relations between consenting adults and take the measures necessary to raise public awareness regarding, and combat discrimination based on, sexual orientation and gender identity.

***Universal Periodic Review (UPR) by the Human Rights Council***

1. **Report of the Office of the United Nations High Commissioner for Human Rights “Compilation on Bangladesh” (March 2018)[[13]](#footnote-13)**

* The country team remains aware of possible restrictions that the Foreign Donations (Voluntary Activities) Regulation Act 2016 might impose on civil society organizations.
* The country team recommended that Bangladesh amend the Act and noted that organizations working in areas of LGBTQ+ found it extremely difficult to publicly expose themselves because of threats from religious extremists and from fear due the recent killings of LGBTQ+ activists.

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| Government Reports[[14]](#footnote-14) |

***United Kingdom***

* + - 1. Home Office, “Country Policy and Information Note Bangladesh: Sexual Orientation and Gender Identity” (2017)[[15]](#footnote-15)
* Male same-sex acts criminalized under s. 377 of the *Penal Code*, although it has never led to a conviction.
* There are no laws prohibiting discrimination against LGBTQ+ individuals, no legal recognition of same-sex marriage, and no ability for same-sex parents to adopt children.
* Police use s. 377 in tandem with general discretionary powers to harass LGBTQ+ groups and individuals either for persecution or to solicit bribes.
* “Hijras” were recognized by the government as a third gender in November 2013, but it has not been implemented in government documentation.
* Bangladesh rejected a November 2013 United Nations call to abolish s. 377, declaring in January 2014 that LGBTQ+ rights “goes against our values and laws, and we cannot endorse it.”

***United States***

Department of State, “Bangladesh 2017 Human Rights Report,” (2017)[[16]](#footnote-16)

In May 2017, Bangladesh’s Rapid Action Battalion (RAB), a joint police-military force, raided an LGBTQ+ dinner, hosted at Shanaveer Community Center in Keranigan. 28 of 120 guests present were beaten and arrested, all men in their 20s-30s. Of these 28, 4 were remanded, 12 were detained for further questioning, and 12 were sent directly to jail, though all were subsequently released without charges. Initially RAB’s given reason was suspicion of “illegal sexual activity,” before later telling media they had discovered possession of narcotics. Following the event, much of the LGTBQ+ rights leadership went underground.

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| Non-Governmental Reports[[17]](#footnote-17) |

***Human Rights Watch***

“Bangladesh: Transgender Men Fear for Their Safety”[[18]](#footnote-18) (2018)

* 6 transgender men currently living in Bangladesh were interviewed.
* There is a widespread misunderstanding in Bangladesh of what it means to be a transgender man. The public and the state generally refer to transgender men as lesbians.
* Educational institutions, from primary to post-secondary contexts, are the sites of tremendous discrimination against trans men and LGBTQ+ people more generally. Transphobia is institutionally codified through dress codes and residential hall divisions, and socially enforced on playgrounds, in dorms, and at social events.
* It is still not legally possible for trans people to alter their legal documents (passports, driver’s licenses, etc.) to reflect their true gender. This causes discrimination in many contexts (employment interviews, airports, age-restricted spaces, etc.) where individuals must present documentation that does not match their gender expression/presentation.
* Because of social stigma and a lack of understanding of trans identity, medical professionals are generally unwilling or unable to provide necessary transitional healthcare to trans Bangladeshis.
* Likewise, mental health professionals are unfamiliar with trans issues, which is especially problematic given the prevalence of mental illness and suicidal ideation in the LGBTQ+ community in Bangladesh. All 6 trans men that were interviewed had attempted suicide.
* Trans men are often pressured or forced to have “corrective” sex with men to “fix” them. Heterosexuality and motherhood are believed to be “cures” for trans men, who tend to be perceived as lesbians.

***Global Human Rights Defence***

“The Invisible Minority: The Situation of the LGBT Community in Bangladesh”[[19]](#footnote-19) (2015)

* The methodology for this article was a literature review and interviews with 50 different LGBTQ+ individuals and community leaders in Bangladesh.
* The Bangladeshi government has made their refusal to commit to international human rights standards of protection for LGBTQ+ people very clear. Two cycles of Universal Periodic Review by the UN have called on the government to enact protections for LGBTQ+ people, but the government firmly resists, saying that their law must reflect their national morality, which denounces and denies the presence of LGBTQ+ people.
* Many of the research participants reported personal experience of tremendous personal and social shame; physical, emotional, and sexual violence; low self-esteem; and suicidal ideation.
* Access to justice is a massive roadblock to advancing legal protections for the LGBTQ+ community. The community almost never reports hate crimes or violence for fear of persecution by the police, who often wield s. 377 of the criminal code. International pressure is needed to help repeal s. 377.
* Development of a healthy LGBTQ+ network of non-profits, educators, activists, and community groups will be essential to reviving the LGBTQ+ movement in Bangladesh in the face of its increasingly violent persecution.

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| Media Reports |

1. “Suspect Arrested Over Murders of Bangladesh LGBT Activists in 2016”, Ella Braidwood, *Pink News*, January 16, 2019[[20]](#footnote-20)

* Police arrested a main suspect, Asadullah, in the infamous murders of leading Bangladeshi LGBTQ+ activists Xulhaz Mannan and Mahbub Rabbi Tonoy.
* The victims were vocal public advocates and ran Bangldesh’s first and only LGBTQ+ magazine, *Roopbaan*.
* Police believe seven of the main orchestraters of the killings are members of the Islamic extremist group Ansarullah Bangla Team, an affiliate of al-Quaeda.
* Three other men have been arrested in connection with the murders and given testimony in court.
* The arrests are a small victory after LGBTQ+ activists have been forced to flee the country or go into hiding. The growing violence has left the LGBTQ+ movement in the country ‘chilled’ or even ‘paralyzed’.

1. “The Ruins of Bangladesh’s LGBT Community”, Inge Amundsen, *East Asia Forum*, March 23, 2018[[21]](#footnote-21)

* Over the past two years, following the murder of several LGBTQ+ activists, bloggers, and political commentators, the emerging LGBTQ+ community in Bangladesh has been forced to regress back into hiding.
* The political weaponization of fundamentalist Islam by extremist right-wing groups has created an environment of renewed hatred, stigmatization, and violence.
* The main opposition party, the Bangladesh Nationalist Party, explicitly instigates religiously motivated intolerance and extremism.
* The ruling party, the Awami League, claims to be secular, but is increasingly giving in to pressure to appease the growing right-wing fundamentalist Islam population.
* LGBTQ+ activists and non-profits have mostly disappeared or substantially reduced their advocacy and protesting for fear of legal and social persecution. Most advocacy now takes place behind the relative anonymity of the Internet.

1. “Flouting Privacy Rights”, Kyle Knight, *Dhaka Tribune*, May 25, 2017[[22]](#footnote-22)

* Bangladesh’s Rapid Action Battalion (RAB), an elite counter-terrorism unit with a reputation for human rights abuses, raided a gathering in Dhaka on May 19, 2017, and arrested 28 men.
* The RAB paraded the men in front of the media, claiming that they were gay and accusing them of drug possession.
* While sodomy charges were not filed against the men, by publicly humiliating the men they have been put at risk of violent attack.

1. “Inclusion, not exclusion,” Nitol Dewan, *Dhaka Tribune*, December 23, 2016[[23]](#footnote-23)

* Although governmental initiatives have been implemented to provide monthly allowances to elderly and disabled hijras, and hijras enrolled in primary, secondary, higher secondary, and graduate school are provided with monthly allowances, these amounts are not enough to live on, and schools are often hostile places for hijras.
* The author advocates for embracing and including hijras in society so that they will no longer be placed in vulnerable positions.

1. “Slaughtered in Bangladesh for Promoting Love and Diversity,” Kyle Knight, *The Advocate*, May 2, 2016[[24]](#footnote-24)

* Xulhaz Mannan, editor of the country’s first LGBTQ+ magazine called *Roopban*, and his friend Tonoy Mahbub, were brutally murdered for LGBTQ+ activism.
* In 2015, Boys of Bangladesh, an LGBTQ+ rights organization in Bangladesh, observed that visibility can be lethal for LGBTQ+ persons in Bangladesh.
* At a United Nations review, the Bangladeshi government rejected a call to have police protect LGBTQ+ people.

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| Scholarship |

Note on Terminology in Scholarship - Distinctions between Kotis and Hijras in Bangladesh:  
**Kotis (or Kothis):**

* Effeminate men who have sex with other men[[25]](#footnote-25)
* “[H]omosexuals who are biologically male but psychologically think of themselves as females,” trapped in the male body[[26]](#footnote-26)
* Kotis act like females and assume a female role during sexual intercourse (i.e., play the receptive role, not penetrating role). This also includes adopting heterosexual dynamics in their relationships and for this reason, “gay men do not consider themselves as Kothis.”[[27]](#footnote-27)
* **Note:** Author Azmeary Ferdoush includes Kotis under the broad umbrella of homosexuality, while the Boys of Bangladesh report rejects this proposition due to the heterosexual nature of their relationships. Accordingly, the language remains somewhat unclear.

**Hijras:**

* Hijras are also persons assigned male at birth who do not identify with being male.[[28]](#footnote-28)
* While some “Hijras identify with being female,... other Hijras do not identify with any gender and instead prefer to only identify as being Hijra.”[[29]](#footnote-29)
* The Hijra are a largely closed community,[[30]](#footnote-30) a characteristic Kotis do not appear to share.

1. **Panagiotis Pentari, “A Constructive Analysis of the Formation of LGBTQ Families: Where Utopia and Reality Meet” (2019) 13:1 Intl J of Humanities and Social Sciences 60**

* Bangladesh is an example of how LGBTQ+ identities are criminalized through a religious lens.
* Religion suggests that these individuals are sinners and are denied of social engagement.

The oppression of LGBTQ+ groups takes many different forms that are not necessarily criminal but have a negative effect on the lives of LGBTQ+ persons which facilitates social isolation.

1. **Arpeeta Shams Mizan and Syed Ishtiaque Ahmen, “Silencing the Minority through Domination in Social Media Platform: Impact on the Pluralistic Bangladeshi Society” (2019) ELCOP YB of Human Rights81**

* The use of social media allows for the majority group to dominate and impact the freedoms of minorities including LGBTQ+ persons.
* LGBTQ+ persons experience online attacks, victimization and harassment through social media handles, groups, and pages.
* The use of online attacks rather than offline attacks provides limited means of legal recourse for the actions of the attacker.

Harassment occurs often over social media platforms in Bangladesh. While this paper speaks predominantly about the sexual harassment faced by Bangladeshi women, much of this discourse applies to the LGBTQ+ community as well. Social media provides a means by which individuals can harass and attack minorities without fear of legal repercussions given a lack of cyber-legislation. Additionally, the offline social environment in which being gay is illegal makes victims hesitant to take legal action due to a fear of victim-blaming.

1. **Azmeary Ferdoush, “Revisiting Cass’s Model of Homosexual Identity Development in Context of Bangladesh Society” (2016) 6:2 Sage Open 1**

* Social conditions surrounding homosexuality in Bangladesh are such that homosexual men, falling into the class of “kotis”, cannot feel identity pride or synthesis due to intense stigma.

Homosexuality is seen as a crime and a sin in Bangladesh. However, homosexuality is not a uniform category. One group, “kotis”, are homosexuals who are biologically male but see themselves as female and trapped in the male body. This article attempts to apply a Western model of sexuality, Cass’s model, to this group in Bangladesh and finds that kotis cannot go through the complete stages of identity development set out by this model. Although the model is not without flaws, this test is useful in revealing certain homosexual men in Bangladesh cannot complete the final two stages of this Western test: identity pride (feeling openly proud of one’s identity) and identity synthesis (being able to live as that identity). Too much stigma exists surrounding their sexuality to let kotis publicly feel fully comfortable with their identity.

1. *The Penal Code*, 1860 (Act No. XLC of 1860), online: <<http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=11>>. [↑](#footnote-ref-1)
2. *The Code of Criminal Procedure,* 1898 (Act No. V of 1898), online: <<http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=75>>. [↑](#footnote-ref-2)
3. *Constitution of the People’s Republic of Bangladesh* (2004), online: [<http://www.commonlii.org/bd/legis/const/2004/index.html>;](C:\\Users\\DAVID\\AppData\\Local\\Packages\\microsoft.windowscommunicationsapps_8wekyb3d8bbwe\\LocalState\\Files\\S0\\449\\<http:\\www.commonlii.org\\bd\\legis\\const\\2004\\index.html>;)

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   <http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367>.> [↑](#footnote-ref-3)
4. *The Penal Code*, *1860* (Act No. XLC of 1860), online: <<http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=11>>. [↑](#footnote-ref-4)
5. *The Code of Criminal Procedure,* *1898* (Act No. V of 1898), online: <<http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=75>>. [↑](#footnote-ref-5)
6. *The Territorial Force Act*, *1950* (Act No L of 1950), online: <<http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=238>>. [↑](#footnote-ref-6)
7. *The Penal Code*, *supra* note 1, s. 377. [↑](#footnote-ref-7)
8. United Kingdom, Home Office, *Bangladesh: Sexual Orientation and Gender Identity* (Country Policy and Information Note), v 3.0 (Np: Home Office, November 2017), online: <https://www.gov.uk/government/publications/bangladesh-country-policy-and-information-notes>> at 10. [↑](#footnote-ref-8)
9. *Ibid*. [↑](#footnote-ref-9)
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