



LGBTQ+ Rights in Bangladesh

June, 2022 Report





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Introduction

The LGBTQ+ community – standing for lesbian, gay, transsexual, bisexual and queer - represents all those individuals who do not fit within the heteronormative culture defined according to the rigid dichotomy between masculinity and femininity (Linde, 2015). These subjects have become marginalised worldwide and are deprived of their basic human rights on the ground of their sexual orientation and gender identity (HRW, n/a). This report will endeavour to present the current situation of the LGBTQ+ community in Bangladesh, characterised by a large spectrum of systemic injustices faced by the community on a daily basis: from physical and sexual violence to low representation in the political and administrative bodies and from discrimination in employment policies to lack of access to medical services. As it will be briefly anticipated in a few lines and further surveyed in the following paragraphs of this report, this dismaying scenario has been mainly due to the rise of religious extremism characterising Bangladesh during the past few years. Such a renewed and reinvigorated wave of intolerance determined the denial and cancellation of progress up to this point, once again forcing the LGBTQ+ community back to the margins of the society.

Indeed, up to 2015, Bangladesh had started experiencing a short period of relative openness towards LGBTQ+ communities (Amundsen, 2018). Amongst the initial improvements, it is worth recalling the legal recognition of Hijras that occurred in 2013. Hijras is a South Asian gender identity falling outside the binary distinction between male and female and, as such, is recognised by Bangladesh as a separate gender which can be mentioned in official documents (GlobalVoices, 2013).

Moreover, one further encouraging example of this trend took place in April 2014 when, in occasion of the celebrations of the first day of Bangladesh New Year, the Rainbow Rally was organised, a street parade where people belonging to the LGBTQ+ community had the coveted opportunity to freely express their sexual identity in public for the very first time in the history of the country (Roopbaan, 2017). Despite some contrary reactions stemming from the most conservative sides of Bangladesh, it was established that the event would also take place the following year (Roopbaan, 2017).

However, these advancements had a brief life. Islam acquired ever-growing momentum in the Bangladeshi public space since 2016, with religious-based principles becoming constitutive parts of the agenda of the largest political parties operating in the country (CMI, 2018). As a result, the position of the LGBTQ+ community started inevitably deteriorating. In 2016 for instance, amidst threats and pressures of a few extremist factions, the Government of Bangladesh urged to annul the celebration of the Rainbow Rally

(Roopbaan, 2017). Furthermore, in that same year, Xulhaz Mannan, founder of Bangladesh's first and only LGBTQ+-themed magazine “Roopbaan” and main promoter of the aforementioned Rainbow Rally, was killed with one friend of his by assailants presumably associated with al-Qaeda (CMI, 2018).

In line with this tendency, the number of arrests on the ground of “carnal intercourse against the order of nature” has exponentially increased in recent years, shedding light on the plague of massive police harassment directed against LGBTQ+ individuals, rooted in the patriarchal and masculine mentality of the law-enforcement bodies (CMI, 2018).

In light of the multifaceted traits of discrimination briefly introduced here, it appears clear how challenging and concerning the reality for LGBTQ+ people can be. The remainder of this report will analyse in more depth the legal, societal, political and religious elements giving rise to violence and discrimination towards such individuals, showing how the continuous interplay of all these different aspects culminates into grave violations of the fundamental human rights of this community.

Legal Framework

2.1 International Legal Framework

To date, there is not any binding international convention providing for the protection of LGBTQ+ individuals, nor is there anybody, commission or agency specifically devoted to the defence of such a community (Linde, 2015). These lacunas are mainly due to the fact that very few non-governmental organisations (NGOs), whose mandate consists of guaranteeing the fundamental rights of the LGBTQ+ community, have been granted consultative status within the U.N. Economic and Social Council (ECOSOC) (Linde, 2015). It goes without saying that the scarce participation of these NGOs in ECOSOC's activities has led to an almost absolute denial of legitimacy in the global political process, with little –if any– power to exercise proper influence on UN organs' decisions (Willets, 1996).

However, throughout the last three decades, the issue of protecting LGBTQ+ individuals has gained significant momentum at the international level, and the UN has demonstrated enough sensitivity towards requests from civil society. Against this backdrop, some interesting UN bodies started interpreting the existing international treaties as conferring a solid line of defence against violations and discriminations based on gender identity and sexual orientation in their deliberations. Of exemplary importance is, for instance, the 1993 case *Toonen vs Australia*, where the U.N. Human Rights Committee established that the Tasmanian laws punishing sodomy constituted an overt violation of the right to privacy embodied in the International Covenant on Civil and Political Rights (ICCPR) (Linde, 2015).

Moreover, in 2008, the U.N. General Assembly released a statement whereby it clarified how “human rights apply equally to every human being regardless of sexual orientation or gender identity” (U.N. General Assembly, 2008). These words could appear to be a specification of Article 2 of the Universal Declaration of Human Rights (UDHR) and Article 2 of the ICCPR, both of which affirm that all people are entitled to the rights and freedoms codified by the respective documents, “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (UDHR, 1948; ICCPR, 1966). Indeed, it is relevant to note how the formula “other status” may potentially operate as an open category intended to include further grounds of discrimination, so that the bases of distinction expressly mentioned do not amount to an exhaustive list. Such a construction of the norms is highly commendable, as it enables for the recognition of future developments of international human rights law. However, it must be clarified that the aforementioned 2008 statement did

not reach the critical number of votes needed to become an official resolution (Linde, 2005). In fact, it shall be recalled that belonging to the LGBTQ+ community is deemed to be a punishable offence in more than 75 countries, whereas another eight provide the capital penalty for same-sex acts or even same-sex propaganda (International Lesbian and Gay Association, 2015).

In this context, it is worth recalling that Bangladesh acceded the ICCPR back in 2000 and, ever since, has the duty to submit regular reports to the Human Rights Committee on the human rights framework in the country. In turn, the Human Rights Committee owns the power to assess the content of such reports by issuing observations on them and, just in case, urging necessary shifts and reforms. In light of this, in 2017 the Human Rights Committee addressed and denounced the dismaying discriminatory patterns of Bangladesh in relation to multiple categories of people, amongst which LGBTQ+ individuals appear too (Human Rights Committee, 2017).

The lack of consensus around these issues underlines how, despite the progress recently experienced, the principle is still hardly recognisable as part of customary law. For this reason, the failure to draft a specific treaty for the protection of LGBTQ+ people continues to be highly concerning, as the need for an official written source of guarantee is now more than ever pronounced.

2.2 Domestic legal framework

Article 28 of The Constitution of the People's Republic of Bangladesh prohibits the State to discriminate against any citizen on the basis of religion, race, caste, sex or place of birth (Government of Bangladesh, 1972). Due to the lack of clarification of the meaning to be attributed to “sex”, namely whether it refers merely to the binary biological dichotomy between male and female or whether it conversely covers the social concept of gender, it is hard to affirm with full certainty if such a principle can be extensively interpreted in order to embrace the protection of LGBTQ+ individuals as well. However, it is worth recalling that in 2013 Hijras - a South Asian gender identity falling outside the binary distinction between male and female- have been recognised by the Bangladeshi government as a separate gender which can be mentioned in official documents (Human Dignity Trust, n/a). Moreover, in November 2013, the right to change legal gender was also established, with no requirement of surgery (Equaldex, n/a). In light of these commendable reforms, it is possible to venture that the most recent legal and social developments have paved the way to the introduction of the more modern concept of gender identity and gender self-identification.

On the other hand, it is clear that the aforementioned article 28 does not impose any barriers to discriminations on the ground of sexual orientation, therefore potentially leaving a large portion of people belonging to the LGBTQ+ community defenceless.

Section 377 of the 1860 Penal Code, heritage of the British colonial period, criminalises same-sex sexual activities, providing a maximum penalty of life imprisonment for acts of “carnal knowledge against the order of nature” (Human Dignity Trust, n/a). Notwithstanding the general formulation of the wording, it is useful to specify that only men can be prosecuted pursuant to this law. The 2018 Country Reports on Human Rights Practices on Bangladesh drafted by the United States Department of State declared that Section 377 is nowadays rarely enforced, being it is conversely used as a mere pretext to harass and intimidate LGBTQ+ people and organisations (U.S. Department of State, 2018). A proof of such dismaying misuse is the collective arrest of 27 men which occurred in May 2017. Initially, it had been stated by a Rapid Action Battalion spokesman that the 27 men had been arrested on suspicion of alleged prohibited homosexual activities. However, no charge had been formally formulated. Later on, it was clarified that the 27 men had been detained for unlawful possession of drugs, and that engagement in same-sex sexual activities had had nothing to do with the arrest (Human Dignity Trust, n/a).

It is pivotal to immediately eradicate provisions outlawing same-sex consensual intercourse, regardless of the concrete application of such provisions by the enforcement agencies. Indeed, due to the perception of law as a communicator of values, the mere presence of norms criminalising such manifestations of sexual orientation has the effect to perpetuate marginalisation of this category of people from the rest of the society. On top of that, it would be paramount to be even more incisive, not only by forbidding discrimination against LGBTQ+ people, but also by adopting some forward-thinking reforms intended to facilitate the full inclusion of these individuals in the everyday life of society.

Transgender issues: An analysis of the Historical and contemporary standing of Transgender people in Bangladesh

The 'T' in the umbrella term that is LGBTQIA+, stands for transgender. Transgender refers to the community of people whose personal identity does not match with the sex assigned to them at birth. The spectrum of genders is not black and white, there are also multiple other shades present in between. Usually, the term transgender is confused with intersex, however they are two different things. Transgenders are people whose bodily anatomy matches with a typical male or a female, but they know their gender identity to be different, and thus their gender does not necessarily match with their sex assigned at birth. Whereas an intersex is a person whose reproductive anatomy do not match with a typical man or a woman (Frequently asked Questions about transgender people, 2016). Hence, a trans* person is used more when referring to personal identity whereas intersex is a more biological concept.

3.1 - The Hijra community

Transgender and intersex persons in South Asia most commonly form a group known as Hijras. These Hijra groups, in Bangladesh are often born as male however choose to live a feminine lifestyle by styling themselves in feminine clothes, most commonly a saree, and behaving in a feminine manner. Some transgenders in this community choose to undergo a castration ceremony, removing their male genitalia as an offering to Hindu goddess 'Bahuchara Mata', the other hijras are usually intersex (Hinduism Case study-gender, 2018). Hence, Hijra is not a gender but rather a community (Raidah, 2022). There are many other terms which are used for trans* persons in South Asia such as Kothi, Panthi, Khwaja Sara, Kinnar, Khusra, Zenana and others (Boyce, 2007; Cohen, 2005; Reddy, 2005).

3.2 - Historical Representation of the Hijras

Presence and relevance of Hijras in South Asian history dates back thousands of years. Mentions of the third gender with different terms can be found under Hinduism, in ancient Hindu texts such as the “Mahabharata” and the “Kama Sutra” (Gupta, 2015). The third genders were of reputable nature during ancient times in the Indian sub-continent of which Bangladesh used to be a part of. A law was introduced by the British government which criminalised homosexuality in the country. It was introduced as a legal transplant of the British 1533 Buggery Act, this section criminalised non-procreative sexualities. Historically it was used to target, among others, transgender persons, including hijras, a traditional community in India and South Asia more broadly (Hunter, 2019). The Hijra community was historically

considered reliable and efficient in carrying out official duties such as collecting taxes in the Mughal era. Hijras were a valuable part of the society in the past, however, the western ideology of sex and sexuality did not complement it. The Hijra community was brought down to nothing but disgust during the colonial times. The British were known to be more sophisticated and were idolised for their race and modernity, wherein their ideology played a major role in disintegrating the reputable nature of Hijra community in Bangladesh.

3.3 - Recognition of third gender “Hijra”

Until 2013, the Hijra community had no recognition or space in official or community spaces. However, in 2013, the government of Bangladesh recognised transgenders, more specifically 'Hijras' as a third gender alongside men and women. The decision was nationally celebrated by the community and caught the attention of international media as well. In December 2014, the Ministry of Social Welfare decided to recruit hijra individuals for low-ranking government jobs, as a part of the initiative (Hossain Rajeeb, 2019). The procedure for the application was however not expressed properly by the government. Individuals from the Hijra community started applying for the positions, which included several steps of application, the last process of which was only told to the applicants when they qualified for the rounds before it. At the end of the application process, the applicant was supposed to go through a medical examination for determining whether they are 'real hijra'.

This medical examination was problematic on many levels. Primarily because it was a violation of the trans* persons' right to life and dignity, which is one important fundamental right available to the people of Bangladesh. The process involved stripping of the trans* person naked for medical examination. The bodily autonomy of the transgender person is a vulnerable subject to be discussed, as they have been constantly prejudiced on their outward appearance and way of life. In such circumstances, stripping naked for examination may act as a trigger for the trauma they have been through in their lives.

3.3.1. Failure of the medical tests

Furthermore, it was also noted that many of the medical examinations were considered as failed by many transgender people. The government planned on hiring 12 people from the Hijra community, which was put on hold after trans* persons were considered as full-grown males by the government. This is one classic example of confusion between the terms, transgenders and intersex. As Joy Sikder, one of the heads of a

Hijra group called 'Somporker Noya Setu', spoke on the failure of medical tests, stating that “We've testified that all 12 are Hijras. They may have male genitalia, but they behave like women. They are females trapped in males' body” (Bangladesh hijras voice anger at gender test failures, 2015).

The plan formulated by the government hence partially failed, as it not only failed in achieving the ultimate goal of uplifting the Hijra community but also failed in securing the existing human rights of the Hijras. However, at the same time, it was able to provide recognition to the community by adding a third gender at official spaces and documents, such as passports. The plan was not well-executed and lacked biological and psychological understanding of the Hijras. Sikder in an interview also stated that “The medical tests alone can't conclude who is a Hijra. They should have also hired psychologists and elders of the transgender community to identify a Hijra”(Bangladesh hijras voice anger at gender test failures, 2015). A trans* person, say a transwoman is a biological male with a demeanour and mentality of a woman. In no way can a trans* person be biologically proven to be a trans*. Therefore, the scheme by the government of Bangladesh was fundamentally made for intersex persons, and thus discriminatory towards the transgender community.

3.3.2. Lack of representation

As Sikder said, elders in the trans* community or heads of the community should have been consulted in formulating the scheme for trans* persons. Only then the government could have properly analysed the issues faced by the community and would have achieved the goal in a suitable manner. Representation of the community in decisions concerning their own welfare is an important consideration to be undertaken by the government, otherwise the goal of empowerment of the community lapses from the very beginning. The difference of transgender and intersex individuals was not recognised by the government, which led to further problems for the transgender community.

The issue pertains, primarily, to transgender people, and also the society and government of Bangladesh. The government has pushed legislation to accept and recognise the biological differences of intersex persons, however, the society in Bangladesh does not seem to be aware enough of the transgender community, to fully understand the psychological complexity of transgender individuals. Transgender people are hence, questioned concerning their mental capacity and are also called mentally challenged for having different identities. Mental health and every other aspect relating to psychology such as personal identities, sexual preferences etc. are not recognised in the South Asian continent. Which is why, not just

Bangladesh but other countries such as India and Pakistan also lag behind in recognising LGBTQIA+ rights.

3.4 - Failure of the education system

The lack of awareness and understanding of trans* issues in Bangladesh are an outcome of the insufficient education and awareness programmes in schools. The curriculum of Bangladesh for children in schools lacks a chapter devoted to understanding of transgenders and the relevant human rights issues therein. The education in this domain in schools is limited which deepens the long-held stigma over transgender persons. The Hijra community earns money by dance performances, sex work and begging. These sorts of jobs may create a negative image of the community in the minds of the children, where schools should play a vital role in creating a more positive understanding of the Hijra community amongst children. Education on the subject is crucial for the children in order to understand the history and sociology of the Hijra community, not only for the betterment of the community itself but also for educating the masses about an important group of the society. The Hijra community has been neglected for years which needs urgent attention and action by the government. Awareness programs and education on the subject is a fine step to start with.

3.5 - Health Hazards in the Hijra community

One primary reason for the exclusion of the Hijra community from mainstream society is the sex work that some of the trans* persons do to support themselves. Prostitution is one of the major sources of income for the Hijra people. They are forced to carry out prostitution for their maintenance and survival from a very young age, which later on becomes one of the many reasons of low literacy rate of the Hijra people. Schools refuse to take in transgender people forcing them further into menial jobs. One major concern which arises out of the sex work carried out by them is the spread of sexually transmitted diseases such as HIV– AIDS. Due to the lack of awareness of the subject, the Hijra community in Bangladesh is facing a high rise of HIV cases. The nationwide behavioural and serological surveillance in Bangladesh demonstrated the vulnerability of hijra¹ to sexually transmitted infections (STIs), including HIV, due to having unprotected sex with multiple clients. The hijra in Dhaka, the capital city, had the highest recorded rate of active syphilis (10.4%) among other most at-risk populations (Islam Khan et al, 2009). The Hijra community is also neglected by the traditional HIV-intervention frameworks in failing to provide complete protection of the

¹ The term is used in this paper both in singular and plural sense

Hijra community. The people of the Hijra community are aware of protective measures such as condoms, however, they lack proper education on STIs. Mere promotion of condoms and other methods does not suffice when it comes to the purpose of protecting people, especially trans persons, from the hazards of sex work.

It is high time that the government of Bangladesh implements amendments to its laws required for transgender people to enjoy basic human and civil rights as part of the community. Furthermore, merely laying down laws or recognising the Hijra community is not enough for the upliftment of the marginalised. Special provisions and protection of laws should be laid down and implemented in practice, in order to provide complete justice, which serves the ultimate goal.

The Situation (and Silence) of Lesbians, Gays and Bi Bengalis

4.1 - LGBTQI+ violations and the situation of Lesbians, Gays and Bisexuals

Lesbian, gay, bisexual and transgender (LGBT) rights are considerably suppressed in Bangladesh. Even though articles 19 and 27 of the Constitution seem to offer them some protection against discrimination, in practice this is not the case. In 2015, the draft Anti-Discrimination Law set out protection for LGBT+ and transgender people, but it has so far failed to be codified in the law. Due to the conservative mentality of Bangladeshi society, negative attitudes towards homosexuals are very common. As previously described, Bangladeshi law does not recognise same-sex relationships, civil unions, as well as any kind of domestic partnership for couples of the same sex. Homosexuality is still a taboo, both as a word and as a concept (GOV.UK, 2020). Despite the recognition of Hijras in 2013, Bengali society is still reluctant to accept and include these people. The transgender population has long been marginalised, and even if recognised, it faces continued high levels of harassment. Between 2014 and 2015, the Bangladeshi gay scene was cautiously becoming more open thanks to the Rainbow Rally pride parades and a gay magazine called Roopbaan. In 2019, for the first time in the history of Bangladesh, a hijra person won the election to a public office. Pinki Khatun, a 37-year-old hijra, was elected councillor of the sub-district Upazila of Kotchandpur promoting the rights of trans-Europeans, women's empowerment, and the fight against drugs. Pinki Khatun represented the most inclusive and open face of Bangladesh, however, Pinki's victory is an exception in Bangladesh. After the historic recognition by the Government not much has been done for the effective integration of the hijra community. Since 2013, in fact, not many initiatives have been launched by the Bengali authorities to understand how to identify a hijra or to clarify what is the procedure to legally change the gender on official documents (Large Movements, 2020). Thus, the LGBT community has since been scared back from the streets.

According to the United States Department of State report published in 2017, LGBT+ rights in Bangladesh are repressed through extrajudicial killings, torture, arbitrary or unlawful detentions, or forced disappearances by government security forces, just because of their sexual orientation or gender identity (US Department of State, 2017). Paradoxically, it is the police who use the law as a pretext to bully LGBT+ individuals both physically or through social media,

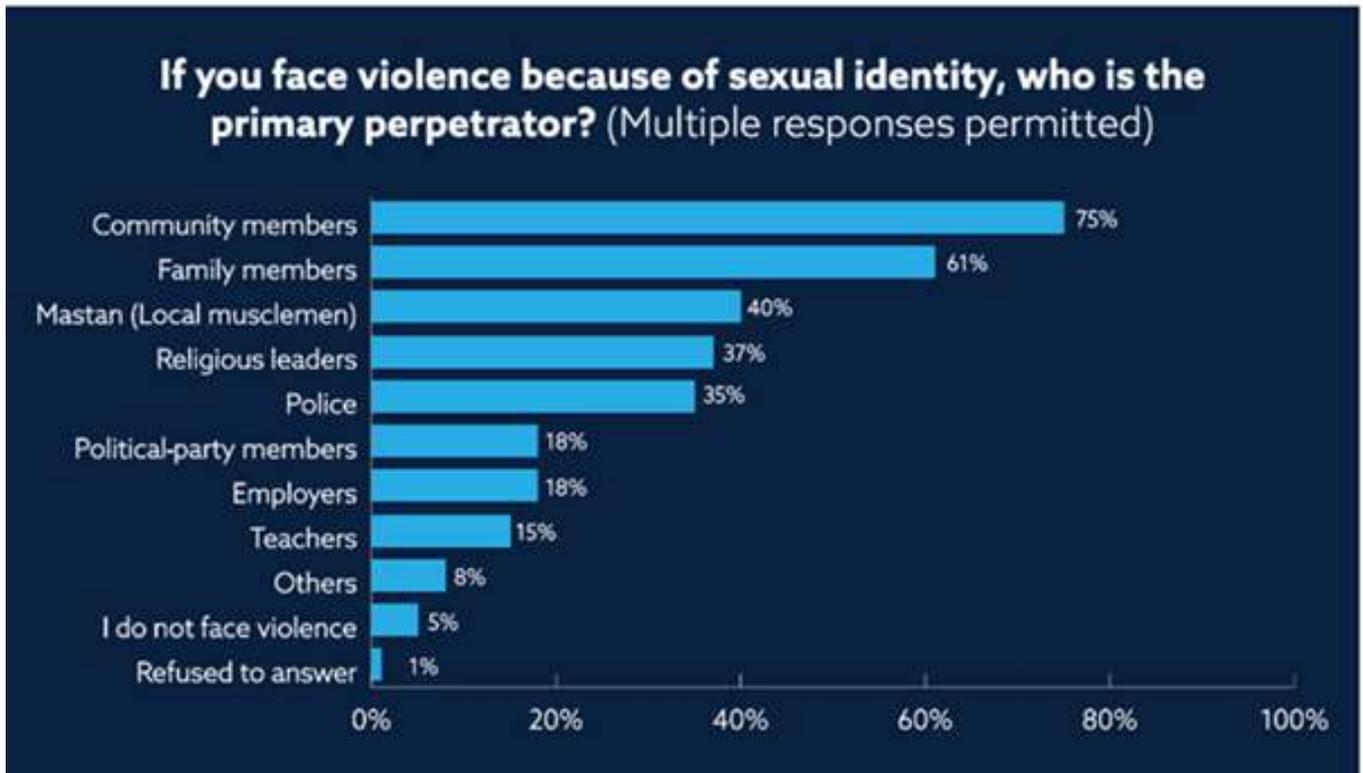


Figure 1-Source: International Republican Institute, 2021

messages and calls. An emblematic case is the one dating back to May 2017 when the Rapid Action Battalion (RAB), the anti-crime and anti-terrorism unit of the Bangladesh Police, raided the Chayaneeer Community Center in Keraniganj Upazila and interrupted a dinner organised by the LGBTI community from that area (BDnews24, 2017). According to witnesses, many people got arrested, separated and beaten. Apparently, the raid was conducted based on suspicion of homosexual activity. Following these events and continued harassment, many members of LGBTI communities, including the leadership of key support organisations, continued to reduce their activities and sought refuge both inside and outside of the country. This resulted in severely weakened advocacy and support networks for LGBTI persons.

According to the International Republican Institute (IRI), the majority of the perpetrators are especially community members (75 percent) or even family members (61 percent) or the police (35 percent), as in the above Figure.

To worsen the situation, in September 2013, these issues were discussed at the Sixth Asian and Pacific Population Conference, where Bangladesh opposed the UNFPA's idea to support LGBT rights. The UN Population Fund and several NGOs had put pressure on Bangladesh to address issues such as LGBT rights and sexuality education. However, according to Bangladesh's

permanent representative to the UN, A. K. Abdul Momen, adopting such policies would go against the country's social norms and values (DhakaTribune, 2013). In September 2014, at the International Conference on Population Development, Bangladesh again refused the idea of providing rights to the LGBT community. Abdul Momen made similar comments concerning the situation, as he had done the previous year at the Sixth Asian and Pacific Population Conference.

In April 2016, LGBT activist Xulhaz Mannan, founder and publisher of Roopbaan, the only magazine for the LGBT community in Bangladesh, was killed along with Mahbub Rabbi Tonoy, another LGBT activist (Human Rights Watch, 2016). Although in June 2016 the UNHRC adopted a further resolution on Protection against violence and discrimination based on sexual orientation, Bangladesh voted against the resolution. This rejection of LGBT+ rights, directly by the Government, underlined the position of the country concerning LGBT+ people, who started living in the shadows, conducting secret lives.

4.1.1. Discrimination and violence against lesbians and bisexual women

Organisations specifically assisting lesbians continued to be rare. 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 (Sabur, 2021). A 2012 research report commissioned by the feminist human rights group, CREA, based in New Delhi, on violence against disabled, lesbian, and women involved in sex work in Bangladesh, India, and Nepal, found that lesbians were extremely stigmatised (CREA, 2012). Many women experience violence from the police or report beatings when they have refused to marry into families, or were suspected to be in same-sex relationships. A famous case is the one of a young couple Shibronty Roy Puja, a 16-year-old Hindu, and Sanjida Akter, a 21-year-old Muslim, who decided to move to Dhaka and got married in secret in a Hindu ceremony. Unfortunately, on 23 July 2013, the lesbian couple was arrested for marrying in secret and threatened with life imprisonment. Similarly, another lesbian couple was arrested in October 2013 for their relationship, when the police identified them both as females. The case was filed under Section 209, which is about unsocial activities (Gay Star News, 2013)

Some young lesbians have been beaten, raped, impregnated or married, and attacked by family members to

streets of Dhaka, seemingly by religious fundamentalists (BBC News, 2021). In April 2016, the famous gay rights activists Xulhaz Mannan and Mahbub Rabbi Tonoy were murdered in a machete attack by a gang of assailants in Dhaka (The New York Times, 2021; Amnesty International, 2016). After the gay activist murders, many other activists faced problems at home. They themselves were seen as gay because they worked with the murdered activists. In 2019 this repression went on and obliged many LGBTIQ+ individuals to keep a very low profile, rather than being the result of greater social support for them. Only last year, eight people were sentenced to death for the killing of the gay activists (Reuters, 2019).

4.1.3. The role of the internet

For LGBTIQ+ people, the internet has been a double edge sword. On the one side, it has been an invaluable source of support and advice and played a significant role in their acceptance of who they are. The Internet was used to acquire quality information and to connect with other LGBTIQ+ people. The digital space has become an essential medium for activists and individuals to reach global audiences with messages on human rights, gender justice, and other critical social issues through social media platforms like Facebook (DW, 2016). However, access to the internet is still a class privilege in Bangladesh and, hence, only available to some. On the other side, the internet is an unsafe place through which gays and lesbians receive threatening messages and are controlled (BDNews24, 2012). Also, violence against women in these online spaces is on the rise. Several sexually explicit hate comments are often directed to specific body parts of women or transsexual people. In extreme cases, these led to rape threats and publishing sexually fabricated photographs to create a meme or post to vilify these people (GOV.UK, 2020). Backlash actors are also mocked with reactions on Facebook to devalue the underlying messages directed towards understanding women's struggles better and fighting misogynistic discourses. Even when someone takes legal action against cyber-harassment, it is not taken seriously and instead delegitimised with a comment stating that it was a waste of time (Institute of Development Studies, 2022).

4.2 - Religious extremist groups and their relationship with LGBTQ+ related violence

Bangladesh is a country in which oppression combines with extremism and political the elites' refusal to embrace equality with gender identity and sexual orientation. The hostile attitude of the entire society is the result of the conservative culture of the country, with Islam being professed by approximately 90 percent of the population. Intolerant and extremist forms of Islam are on the rise and have so far targeted free thinkers, bloggers and gay rights activists (The New York Times, 2017; Islam, 2016; Law Fare, 2018). Bangladeshi

punish them for their sexual identity. Because of these situations, women do not disclose their same-sex relationships to anyone outside of their community, due to fear of being an outcast. As a result, many love in secrecy, not being able to share their feelings, some wait for the opportunity to be reunited with their lovers, and others live a dual life. In 2016, the Kaleidoscope Human Rights Foundation affirmed that there is little data on hate crimes against LGBTI women, as well as other violations of their rights (Kaleidoscope, 2016). While there is no official recorded information on violence against LGBTI women, it is indisputable that such women are at a particularly high risk of gender-based violence, exacerbated by their sexual identity. As reported before, the Bangladeshi government did not take any measures to monitor discrimination against LGBTI women nor to provide any assistance to women who have been discriminated (Kaleidoscope, 2016). Moreover, lesbian women are pressured by society to enter into heterosexual marriages, thus, if a lesbian came out to her family, she would most likely be forced to have a heterosexual marriage (GOV.UK,2020).

4.1.2. Discrimination and violence against gay and bisexual men

Gay and bisexual men are defined as an invisible minority because, as the case of lesbians, they do not have any recognition but face much discrimination. The endemic homophobia in Bangladesh also has a negative impact on the mental health and well-being of LGBTQ+ people. A recent study of 102 homosexual men conducted by University of Dhaka professor, Muhammad Kamruzzaman Mozumder, found that 32 percent of these men had a history of suicide attempts, while 47 percent reported that they had considered committing suicide at least once (Chaney et al., 2020). Still, in this hostile context, homosexuality exists in Bangladesh in different forms although not easy to identify. Among the Hijras communities, Kotis are a group of homosexuals who are biologically male but psychologically they think of themselves as females trapped in a male body (Ferdoush, 2013; Ferdoush, 2016). They are the group most discriminated against, both by family members and the community.

The situation in Bangladesh is critical: many homosexual reporters or journalists are found dead because of their activism in favour of LGBTIQ+ rights. The risk for gay rights activists is even higher than for ordinary gay men and lesbians, as they are more in the public eye. Several hid in safe houses in Dhaka, while others fled to the countryside far away from the capital. These discriminations have been allowed through Section 57 of the Information and Communication Technology Act (2006) used to detain and silence dissidents. In a similar vein, the Digital Security Act (2018) gave the Digital Security Agency sweeping powers to initiate investigations into anyone whose activities are deemed contrary to the national interest. In February 2015 Avijit Roy, the author of Bangladesh's first scientific book on same-sex sexual identity, was murdered on the

Islamists and fundamentalists include international groups such as the so-called Islamic State and al-Qaeda in the Indian Subcontinent, as well as home-grown organisations such as Ansar-al-Islam, Hizb ut-Tahrir, Islami Chhatra Shibir, Ansarullah Bangla Team, Hefazat-e-Islam, Harkat-ul-Jihad al-Islami and Jamaat-ul-Mujahideen (East Asia Forum, 2017). The Bangladesh Nationalist Party (BNP) is a religiously inclined, right-of-centre party and it is said to instigate religious intolerance. The ruling party, Awami League, is professedly secular but behind its clamp-down on militant Islamism, the party has become more 'Islam friendly'. The revival of Islamic fundamentalism, and related political actions, have had severe negative implications for human rights in Bangladesh (East Asia Forum, 2018). The most publicised attack on foreigners took place in July 2016, when a gunmen raid on a cafe in Dhaka left 28 people dead (The Guardian, 2016). Members of Bangladesh's LGBT community regularly receive threatening messages via telephone, text and social media from various radical Islamist groups. Extremist groups like Basher Kella, Salauddiner Ghora and Hizb ut-Tahrir post extensively about the LGBT community online, calling on the people of Bangladesh to resist “the evil of LGBT” (CNN, 2016). These actions come from the insecurity of Islamists that is rooted in the belief that if punitive action is not taken against the disobedient, disloyal and blasphemous person, then blasphemy can become a norm and precedence in the society, and in the long run, can challenge the very foundation of religious faith upon which authority of Islamist ideology is grounded (Isla, 2016). Thus, Islamists act to ensure the punishment or disciplining of the violator of the religious code of conduct, with violence without waiting for the last day of judgement according to Islamic belief (DW, 2016). In 2016, the Bangladesh Olama League and Hefazat-e-Islam and other Islamist organisations put forward a list of demands to the government requiring to enact the blasphemy law and to take action under Section 377 of the Bangladeshi Code of Criminal Procedure (which bans carnal intercourse against the order of nature with a maximum sentence of 10 years in prison) against groups supporting LGBT rights (Scroll.in, 2017; CMI, 2018).

Thus, extremist Islamist groups have successfully created an environment of fear in Bangladesh, and because of this fear, most activists do not publicly protest the killings. The situation has forced NGOs in the country to take a low profile. The non-registered and non-funded group Boys of Bangladesh (BoB), the oldest running online Yahoo Group of closeted Bangladeshi gay men, has slipped even further off the radar. They no longer update their official website on Facebook, and their tweets are sent rarely and from outside of Bangladesh (Scroll.in, 2017). The internet has largely supplanted physical meeting places for Bangladesh's LGBT community. There are no longer any 'gay-friendly' social meeting places like

restaurants or bars in the capital, and individuals visiting known pick-up places risk becoming the targets of police harassment. Repeated threats, killings, mass arrests and continuous police harassment have shattered Dhaka's fledgling LGBT community. People are hiding behind closed doors or have fled into exile, and the situation is unlikely to improve in the foreseeable future (CMI,2018).

4.3 - The importance of civil society and the LGBTQI+ response

Civil society plays a key role in upholding minority rights and freedoms by acting as a democratic check on ruling elites, above all in a country whose government is constraining democratic freedoms. The centrality of civil society to the observance of LGBT+ people in Bangladesh is underlined by the UN Human Rights Council, which warned that the Government should protect the vibrant civil society by addressing the existing anxiety expressed by minorities who feel vulnerable in the face of rising religious extremism and acts of violence perpetrated against them (Chaney, 2020). Civil society should continue to claim its space, with the support of international stakeholders, to express dissenting views and voice concerns as appropriate. In 2011, a research-based engagement with a school of public health at a university in Bangladesh aimed to raise public debate on sexuality and rights in a very sensitive political context (Rashid, 2011). By bringing together stakeholders, including members of sexual minorities, media, policymakers and advocacy organisations, the research engagement worked to bring visibility to stigmatised sexuality and rights issues. Moreover, queer activists in Bangladesh have developed creative strategies to raise awareness, educate the public and carve out safe spaces for expressions of diversity, for instance, through visual arts. In 2015, Boys of Bangladesh began a cartoon series called Dhee, the name of the main lesbian character. Activists used the cartoon series in private events across the countries to teach about diversity, sexual orientation and gender identity. Audiences first meet Dhee as a schoolgirl and then follow her as a woman and read about the sharp rejection she faces for her “unnatural” feelings. The story ends on a cliffhanger as the authors wanted audiences to think about what Dhee's opportunities might be considering the social pressures in contemporary Bangladesh (Human Rights Watch, 2019).

Conclusion

The case of Bangladesh falls among the cases of Muslim countries where sexual/gender diversity is not respected and the LGBTQ+ individual has to face existential threats. Due to religious reasons, there is very little tolerance for the community in the country, a community which is marginalised and hidden from the rest of the country. The lives of Bengali LGBTQ+ people are in danger and constant fear. Violence, rape, food insecurity, poverty and health issues are one the problems faced by a lot of members of the community of the country. The human rights of LGBTQ+ should be respected. No person should have their rights denied for sexual reasons. The discrimination is prohibited according to the article 28 of the Constitution, therefore it's necessary to demand the adoption of anti-discrimination policies for the LGBTQ+ community. The organisation also recommends the legal recognition of the Hijras as well as policies that can guarantee a greater social protection for the marginalised group. It also recommends that the Bangladesh Government act on the decriminalisation of the same-sex relations between consenting adults. Public awareness should be raised in partnership with LGBTQ+ organizations in order raise awareness against violence and discrimination of the community.

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