

Bangladesh

LGBTI

Landscape Analysis of Political,
Economic, and Social
Conditions

June 2021



Executive
Summary



ASTRAEA LESBIAN FOUNDATION FOR JUSTICE

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Cover photo: An artist performs wearing a mask titled 'Breaking Horns' during a display of Tehai's event 'Aral' at a local temple in Old Dhaka in January, 2021. Photo: SM

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Executive Summary

This report provides an overview of the challenges and opportunities for LGBTQI organizing in Bangladesh and the ways in which the LGBTQI community navigates a complex political, social, and cultural landscape.¹ It provides historic context for the emergence of LGBTQI activism and describes the dangers related to visibility around this work. Amid broad opposition to the rights of LGBTQI people, the government's formal recognition of hijras—one segment of a diverse LGBTQI community—indicates a potential opening to advance rights related to gender identity.² But activists contend with deep stigma on issues of sexual orientation and a lack of political will regarding inclusive anti-discrimination protections for LGBTQI people. Despite difficulties in organizing openly, advocates continue to develop innovative strategies to expand queer rights and address issues of inequality and violence.

LGBTQI people in Bangladesh face hostility, discrimination, and abuse, and are forced to maintain a precarious balance while navigating the public and private landscapes stacked against them. For many, being open about their sexual orientation or gender identity is not an option, except within trusted circles. The media shows a lack of sensitivity and knowledge in covering LGBTQI issues.

Over the years, the country's official position on LGBTQI rights has ranged from tepid acceptance to downright opposition, often under a pretext of cultural, traditional,

1 For the purposes of this report, LGBTQI and queer are used interchangeably. In Bangladesh, “queer” or “queer community” are catchall terms used conversationally and sometimes formally as a substitute for LGBTQI.

2 Hijra is a cultural and regionally specific group identity in South Asia bridging trans and intersex communities and, at times, professional identifications which follow from belonging to the group. However, a neatly coherent translation of hijra into trans or intersex or other globally understood terms may not be possible or desirable to those who identify with it. Assigned male at birth, hijra present (and sometimes identify) as female, but may not always fall under normative and binary gender classifications. Not all trans women or intersex people, however, are hijra, since identity and attachments as hijra forms through specific initiation and kinship rituals. There is also an implicit class connotation in social understanding of hijras, compounding their marginalized status.

or religious values. Consensual same-sex activities remain criminalized under a colonial-era law, Section 377 of Bangladesh's penal code. A draft anti-discrimination law, inclusive of gender and sexual orientation, has languished in the Ministry of Law, Justice and Parliamentary Affairs for years.

While formal recognition opens new possibilities for greater inclusion and access to services for the hijra community, the creation and inconsistent use of several official categories—including “hijra,” “other” and “third gender”—has created confusion and limited individuals' right to self-identification. Those who do not identify as hijra and/or who identify as trans or any non-binary, gender nonconforming identity are excluded from government recognition. Activists continue to work for the incremental expansion of hijra rights, while leveraging this opening to explore the possible expansion of LGBTQI rights more broadly.

LGBTQI organizing in Bangladesh, initially oriented around HIV and AIDS programs for men who have sex with men and an urban middle-class gay “scene,” has gradually come to encompass a range of initiatives and programs for sexual rights and gender diversity. However, it is important to acknowledge how community organizing has been influenced and limited by global discourses that do not include local understandings of identity and expression—for example, as embodied by the hijra community.

In Bangladesh today, LGBTQI organizations and other groups providing support to queer people rely on a number of strategies to avoid unwelcome attention. Most operate under an umbrella of supporting gender diversity, health, cultural or social services, or youth outreach. Because sexual orientation is considered too dangerous to address publicly, queer and allied organizations are focused primarily on direct services, helping community members access healthcare, legal aid and employment opportunities. Few LGBTQI groups are formally registered for fear of official scrutiny and most limit their online presence to a bare minimum. Priorities for LGBTQI organizing are creating safe spaces for queer community members; mobilizing networks and resources for mutual support; and advocating for legal and policy changes focused on equality and anti-discrimination statutes.

Online Presence, Safety, and Digital Rights

According to March 2021 data, there are nearly 175 million mobile phone subscribers and over 116 million internet subscribers in Bangladesh—more than half the country’s population.³ The overwhelming majority of internet subscribers rely on mobile data plans for internet access. Among 45 million social media users, Facebook is by far the most popular platform.⁴ Despite this, Bangladesh has no comprehensive data protection and privacy laws nor any standards to limit data sharing. As such, user information is open to abuse and exploitation. For the queer community, which lives under threat of Bangladesh’s Penal Code Section 377, there are fears that online communications, and private images and text shared virtually, could be used as proof against them.

Increasing government surveillance and a clampdown on dissent have accompanied the expansion of mobile and internet use as well as traditional and digital media. Criticism of the government and administration officials is frequently met with persecution and harassment. One tool in that arsenal is the country’s Digital Security Act (DSA) of 2018 which criminalizes publishing or transmitting “offensive, false or threatening data-information,” information “that hurts the religious values or sentiment,” and “any defamatory information” as defined by the Penal Code.⁵ Since the beginning of the COVID-19 pandemic, the government has used the DSA to justify the arrests of journalists, activists, and



Photo credit: Little Boxes

others whose media reports and social media posts discussed the government’s response, criticized its handling of the situation, and investigated and exposed corruption in stimulus distribution. In the first half of 2020, 113 such cases were filed against 208 people, of whom 53 were journalists.⁶

Since provisions in the Act are so vague and far-reaching, anyone can file a DSA case that could exacerbate the danger to the LGBTQI community. To date, the DSA has most widely been used to repress political dissent and criticism of the government, with no reports so far of its use against queer expression. This may be, in part, because people who identify as queer and work on these issues are already cautious about what they express, share, or report online. Nonetheless, a repressive law like this further adds to a climate of control.

3 Bangladesh Telecommunication Regulatory Commission (2021, March). Retrieved from <http://www.btrc.gov.bd/content/mobile-phone-subscribers-bangladesh-march-2021>

4 We are Social & Hootsuite, *Digital 2021: Bangladesh*. Retrieved from <https://datareportal.com/reports/digital-2021-bangladesh>

5 <https://www.cirt.gov.bd/wp-content/uploads/2020/02/Digital-Security-Act-2020.pdf>

6 Article 19 (2020, July 3). Bangladesh: Increase in Charges Under DSA as Government Seeks to Silence Criticism. Retrieved from <https://www.article19.org/resources/bangladesh-increase-in-charges-under-dsa-as-government-seeks-to-silence-criticism/>

Over the years, successive governments have tightened restrictions on non-governmental organizations (NGOs). On top of growing reporting and auditing requirements, the Foreign Donations (Voluntary Activities) Regulation

Bill 2016 requires all civil society organizations seeking or using foreign funds to register with the NGO Affairs Bureau and receive approval for any activities carried out with those funds.

Funding Barriers

Because of legal constraints, safety issues, and barriers to resources, there are only a small number of queer-led organizations in Bangladesh. Most are run by volunteers and without core funding, which limits organizational sustainability and the involvement of those unable to commit time or resources. Bigger, well-resourced, or legacy organizations are better able to navigate the growing restrictions on NGOs while smaller and newer ones face systematic barriers to attaining legal status. This leads to homogenization, gatekeeping, and a concentration of resources in a handful of organizations. These circumstances also incentivize bigger organizations to become more risk averse.

Smaller organizations or collectives that forego legal incorporation can be more experimental, bringing vitality to organizing, cultural, and intellectual spaces. But with little access to resources, they struggle for survival. Local funding options are limited, subject to patronage networks and political connections. Smaller organizations, associations, and collectives lack connections to funders and to resources for grant writing and meeting funders' administrative and reporting requirements. Most queer-run organizations are resourced through a combination of benefactor support, crowdfunding drives, and *nijeder pocket theke* (out-of-pocket funds). Since most queer-led organizations are not registered, some act as subcontractors on the projects of partner organizations. In other cases, individuals receive funds as consultants to carry out activities with their own organization (for example, to provide training to their members).

The absence of core funding affects organizational sustainability and makes it difficult for queer groups to plan ongoing, long-term,



MSI, a dancer called 'Chukri' performs 'Saree Upakhyan' followed by his residency at Tehai in January, 2021. Photo: SFR

stable programs. Rather than rely on project funds, many organizations have had to adapt to these constraints by working with shorter timeframes and smaller budgets.

More generally, there are questions about the impact of donor-driven, nonprofit-centered models of advocacy, movement building, and social change and how they influence organizational strategies and priorities. They can pressure organizations to shape and reshape their programs according to funding calls and funder priorities. At a larger level, nonprofit-led movement building spaces dictate paths for change that others must knowingly or unwittingly follow.

Recommendations for Funders:

- Prioritize flexible funding to smaller organizations, particularly those led by LGBTQI people. Recognize the structural barriers to organizing and funding access that these organizations and communities face and be responsive to their needs. This may mean: simpler and more accessible funding application and reporting processes; flexible funding requirements open to smaller, informal groups; and support to create spaces for communities to flourish.
- Understand the heterogeneity (of class, location, gender, and so on) within queer spaces and communities to prioritize organizations led and staffed by those who are marginalized even within those spaces. Consult and support community-led groups that are addressing their needs for supportive housing, safe spaces, mental and physical health services, and food security, with particular attention to the more vulnerable and under-resourced within the community.
- Fund groups over the long term, providing general operating support grants to ensure they have the ability to build their capacity, grow and evolve, and strengthen their programs and services.
- Facilitate and support advocacy training, knowledge sharing, media training, and other capacity building opportunities for queer organizations.
- Facilitate digital, physical, and holistic safety trainings for LGBTQI organizations and the development of community-centered tools and technologies, and provide resources and support to organizations to strengthen the sustainability and security of the movement.

