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8.5.1. Legislation and treatment by the state

Consensual same-sex conduct is criminalised,1095 with the Penal Code specifying that ‘carnal intercourse against the order of nature’ with any man of woman is criminalised, with penalties ranging from ten years imprisonment to life imprisonment, and fines.1096 The law was ‘rarely enforced’ under the former government, as reported by Human Dignity Trust.1097 Under the interim government, there was one so-called ‘sodomy charge’ being brought forward in a case of male rape,1098 since male rape is not a recognised offence in the Penal Code.1099 In another case, two lesbian girls were reportedly handed over to the police by their families ‘under pressure of local conservative religious figures’. The police returned the girls to their families the day after.1100

Sexual orientation, gender identity, gender expression or sex characteristics are not identified as grounds of discrimination in national law.1101 Proposed in the parliament in 2022 and pending official adoption as of May 2025, the Anti-Discrimination Bill aims to ensure equal rights and dignity for all citizens. Among the key features, the bill included a provision on protection of the transgender community.1102

The 2024-2028 National Strategic Plan for HIV and AIDS Response aims to eliminate new HIV infections, AIDS-related deaths, and related discrimination in Bangladesh. In addition, ‘[t]he plan focuses on increasing access to HIV prevention, treatment, and care services’, specifically among high-risk populations such as sex workers (female, male and transgender), ‘people who use drugs including injecting drug users (female and male), men who have sex with men, male sex workers and transgender (Hijra)’.1103 According to an associate professor of the Department of Reproductive and Child Health (RCH) at the Bangladesh University of Health Sciences writing for the Daily Star in December 2024, the national prevention programmes running since 1985 had ‘played a pivotal role in prevention, awareness and treatment initiatives’, but challenges still impacted the access to treatment, including the stigma around being infected as well as limited resources of the healthcare system to address a growing number of HIV cases, including among Bangladeshi migrants returning from abroad. According to the same source, the general prevalence of HIV was low, 0.1 %, but certain groups, including men who have sex with men, transgender people and sex workers experienced higher infection rates than the general population.1104 Bangladesh has received support from various

international agencies in HIV prevention,1105 including the United Nations Population Fund (UNFPA) in HIV/AIDS prevention, and access to services and rights.1106

There is a 'third gender' understood in the context of Bangladeshi society, referred to as hijra, which can be described as an umbrella term for intersex individuals, castrated men and transwomen.1107 Based on a 2013 Bangladesh Cabinet Directive, the former government recognised hijras as a legal 'third gender' category.1108 The precise definition of hijra was however not provided1109 and the gender recognition has not been reflected in laws and policies.1110 However, hijra was included as a gender category in the national census from 2022.1111 Under the former government some hijras engaged in politics and were running in official elections,1112 with one diplomat coming out publicly as hijra in January 2024.1113

While the former government made some progress in promoting social acceptance for hijras, limited efforts were made to advance rights and legal recognition of other LGBTIQ persons.114

In July 2024, a Supreme Court lawyer sent a notice to the former government requesting a monthly allowance, separate educational institutions, and civic amenities to the hijra community.115 Announced in April 2025 by the Advisory Council Committee on social safety net programmes, in the upcoming 2025–2026 fiscal year, the allowance for the hijra community would be raised from 600 taka to 650 taka [about EUR 4.20 to EUR 4.50]. The number of beneficiaries in this group would remain the same.116

- 1095

  ILGA, Rights in Bangladesh, 2025, url; HRW, World Report 2025,: Bangladesh: Events of 2024, 16 January 2025, url

- 1096

  Bangladesh, The Penal Code, 1860, url, art. 377

- 1097

  Human Dignity Trust, Bangladesh, 17 December 2024, url

- 1098

  Business Standard (The), Sodomy case filed over 20-year-old man's rape in N'ganj as Bangladesh yet to recognise male rape, 12 March 2025, url

- 1099

  Jannat, J. F., The Code of Shame: Stigmatisation of Male Rape Victims in Bangladesh, 22 April 2025, url

- 1100

  Erasing 76 Crimes, Bangladesh lesbian couple taken to police by their families, 5 May 2025, url

- 1101

  ILGA, Rights in Bangladesh, 2024, url

- 1102

  Bangladesh, National Human Rights Strategy to Remove Human Rights-related Barriers to HIV Services in Bangladesh (2024-2029), October 2024, url, p. 4

- 1103

  Bangladesh, National Human Rights Strategy to Remove Human Rights-related Barriers to HIV Services in

- 1104

  Daily Star (The), HIV/AIDS in Bangladesh: A growing concern, 8 December 2024, url

- 1105

  Daily Star (The), HIV/AIDS in Bangladesh: A growing concern, 8 December 2024, url

- 1106

  UNFPA, HIV/AIDS, n.d., url

- 1107

  Daily Star (The), The twisted plight of Bangladeshi transgender community: A critical error in policymaking, 10 June 2022, url

- 1108

  HRW, Bangladesh: Gender Recognition Process Spurs Abuse, 23 December 2016, url

- 1109

  Daily Star (The), The twisted plight of Bangladeshi transgender community: A critical error in policymaking, 10 June 2022, url

- 1110

  BoB, Universal Periodic Review of Bangladesh, 44th Session, April 2023, url, p. 6

- 1111

  Business Standard (The), Bangladesh includes transgenders in national census for first time, 27 July 2022, url

- 1112

  Business Standard (The), Two transgender candidates poised to rattle social and political norms, 26 December 2023, url; Dhaka Tribune, Mymensingh mosque welcomes hijra community, 29 March 2024, url; EU, Election Expert Mission to Bangladesh 2024, Parliamentary Election, 7 January 2024, url, p. 16

- 1113

  New Age, Oalid Islam becomes first Bangladeshi diplomat with hijra identity, 12 January 2024, url; Business Standard (The), The trials of world's 'first Hijra diplomat' from Bangladesh, 12 January 2024, url

- 114

  VOA, Pride Month is a secret celebration in Bangladesh, 26 June 2024, url

- 115

  Dhaka Tribune, Legal notice seeks allowance, separate educational institutions for hijras, 5 July 2023, url; Dhaka Tribune, Who are they? Hijra, third gender, transgender?, 28 August 2024, url

- 116

  Prothom Alo, Allowances for elderly, widow, disabled and underprivileged communities to increase by Tk 50 to 150, 21 April 2025, url

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