

## 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 or 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 provided[1109](#) 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](#)

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