Breaking Down the Barriers to Equality: Rights Violation of Gender Diverse Population in 2022

BACKGROUND

Gender Diverse Populations (GDP) in Bangladesh are extremely vulnerable and oppressed within a patriarchal system. Knowledge about the community is low, and due to the social stigma surrounding GDP issues, open conversations regarding this issue are rarely held. In Bangladesh, there is an extreme heteronormativity that rejects practices that don’t fit into this mold, leading to discrimination, harassment, and violence towards GDPs in all aspects of life. This discrimination includes criminalization of same-sex relationships through Section 377 of the Penal Code of Bangladesh, harassment by law enforcement agencies with Sections 54 and 55 of the Code of Criminal Procedure (CCP), physical threats from family members or neighbors, severe social stigma, lack of access to health care including mental health, and difficulty in securing employment due to social stigma related to their population group. Moreover, trans-men and women face legal difficulties with documentation because their appearance does not match their official records and thus transitioning puts them at risk of harassment from officials. The ICT and Digital Security Act allow limited freedom of speech and equips anyone to file cases against those who create online platforms for GDP activists just because they "offend religious sentiments." In recent years, there has been growing advocacy and support from national and international allies to protect GDPs in Bangladesh through initiatives such as anti-discrimination efforts. Yet progress is slow and same sex relationship remains illegal while public attitudes remain largely homophobic.

BANDHU & AIN-ALAP: PROTECTING RIGHTS OF GDP

Bandhu started its journey in 1996 with a mission to empower the gender diverse population by making them aware of their rights to employment, health care and other services. Bandhu’s initiatives have helped civil society organizations and policymakers gain a better understanding of the numerous cases of persistent violence, harassment, torture, sexual assault and human rights violations faced by the Hijra and Transgender community.

Understanding the urgency of the situation the GDP faces, Bandhu established a legal unit in 2013 called Ain-Alap with the intention of providing legal support to sufferers in the community and safeguarding their human rights through a dedicated mobile help line number, legal advice and counseling across Bangladesh, and connecting them to other legal services available in Bangladesh.

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In order to uphold human rights and social justice for the GDP, Bandhu created a ‘Panel Lawyers Pool’ of 204 lawyers from 64 districts. These lawyers are working on a pro-bono basis to give easy access to legal information and assistance. The main objective of the panel is to provide legal support and counseling for sexual and gender diverse populations, secure their rights, and enable them to access justice. Additionally, Bandhu handpicked 48 watchdog members from the gender diverse community from all 64 districts, who are working with Bandhu voluntarily. These volunteers are informing their respective communities about the available legal services offered by Ain-Alap and help sufferers of the gender-diverse population or their family members get in touch with relevant Law Officers or Bandhu officials. They also assist in accessing services from government and non-government legal service providers.

Either directly or through the watchdog members, the community can get in touch with Ain-Alap. In case of emergency, the Law Officer or respective watchdog member will inform the local police station and assist the service receiver further.

**Rights Violation of GDP in 2022**

The Ain-Alap has achieved some noticeable milestones over the past year (2022). With the total number of phone calls at 680, the hard-working team has managed to document 179 cases across the country. This is so because many calls were either about seeking information or expressing hesitation from the victims to get into legal issues officially. Of those cases, 11 are ongoing, 14 were referred to other organizations, 10 are in need of follow up, 34 have been closed, and 110 have been resolved.

**Helpline Calls 2022**

**Type of incident:**
The incident index shows that the second highest call for abuse or harassment

**Division-wise Call Status**

- **Barisal, 79 (12%)**
- **Rangpur, 8 (1%)**
- **Others, 7 (12%)**
- **Khulna, 160 (23%)**
- **Rajshahi, 38 (6%)**
- **Mymensingh, 29 (4%)**
- **Sylhet, 139 (20%)**
- **Dhaka, 163 (24%)**
- **Chattogram, 58 (9%)**

**Statistical Overview 2022**

- **Total Phone Calls:** 680
- **Total Documented Cases:** 179

**Case Status**

- **Ongoing Cases:** 11
- **Refer Cases:** 14
- **Follow Up Cases:** 10
- **Closes Cases:** 34
- **Resolved Cases:** 110

**Index of Incident**

- Others
- Murder/Accent to Murder
- Rape/Sexual Offense
- Monetary Dispute
- Domestic Violence
- Property Dispute
- Discrimination
- Assault/Battery
- Abuse/Harassment
The types of cases handled by Ain-Alap vary, but the majority of cases involve violations of different kinds of rights (91 cases), gender-based violence (78 cases) and human rights violation (10 cases). Out of the 179 cases Ain-Alap documented, 11 are still ongoing, 14 cases have been referred to relevant authorities, 10 are being followed up, 34 have been closed (either resolved or withdrawn), and 110 have been resolved by the team. Upon analyzing the details of all the cases, the team were able to determine that amongst the 179 cases, 51% fall under rights violation, 44% under GBV and 5% under human rights violation.

For the GDPs living in Bangladesh, gender diversity and sexual orientation are complex and often taboo topics. Unfortunately, the GDPs often face discrimination, harassment, and violence in all spheres of life. This has a profound impact on their health and well-being, leading to an increased risk for their mental health issues. Challenges that are found to be common amongst the community are:

- **Discriminatory laws**: Same sex activity is illegal under Bangladeshi law, which is adopted from the colonial-era British Government’s Section 377 of 1860.
- **Harassment**: Due to the discriminatory laws, the police find it extremely convenient to harass and extort the GDPs. As the Govt. outright denies the existence of the SOGIESC population at international forums, they use false cases such as drug abuse to harass the population.

The geographical data of these violations are spread out throughout the country as can be seen in the infographic above. Sylhet had the most recorded cases with 65, with Khulna coming out second at 37, followed by Chittagong at 23. The other districts and areas had sporadic reports but when put together, they make up a comprehensive number.
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**RECOMMENDATION TO OVERCOME THE SITUATION**

- **Awareness of Human Rights**
The GDP needs to be aware of the difference between rights and human rights. Human rights are rights to which every human being is entitled. Raising awareness can help foster an environment where everyone is respected and accepted regardless of their sexual orientation or gender identity.

- **Increase Visibility**
One of the biggest challenges that the GDP community faces is the fear about coming out. We can help by creating opportunities for members of the GDP community to tell their stories and share their perspectives through outlets such as social media, media interviews, and public speaking events.

- **Lobby for Change**
Another way we can support the GDP community is by advocating for policies that protect their rights and promote equality. This includes lobbying government officials for legal recognition of gender diverse population, advocating for anti-discrimination laws, and access to health and social services.

- **Speak Out on social media**
Social media has become an invaluable tool for raising awareness and creating change. Use your voice online to share information and stories about GDP rights in Bangladesh and show your support for the cause.

- **Education**
Education is key in raising awareness and shattering the stigma around GDP people. Comprehensive educational programs should be implemented to increase understanding of gender diversity and sexual orientation, making sure everyone has access to factual and accurate information.

- **Representation**
To ensure GDP voices are heard, greater representation of openly GDP people should be included in national parliaments. This would empower members of the community, encouraging them to share their stories and motivating change within the government.

- **Raising Awareness on Digital Security Act**
Many of the GDP suffer from cyber bullying and extortion. Therefore, it is crucial that they are completely aware of the Digital Security Act and their rights.