

Joint UPR Submission on Gender Identity in Bangladesh 44th Session of Universal Periodic Review

Report submitted by:
Inclusive Bangladesh and Prantoz Foundation



Inclusive Bangladesh is a local non-profit and transgender-led youth human rights organisation, currently working in Bangladesh & United Kingdom. We envision creating an inclusive society where every citizen will be a resource for safeguarding each other's human rights and peaceful living. Our work and effort circulate in promoting human rights, gender equality, religious literacy, global citizenship, diversity, and equality. Established in 2013, Inclusive Bangladesh is now working with diverse local and international organizations, multilateral and multi-layered development partners, and active youth changemakers.

Website: www.inclusivebangla.org
Email: contact@inclusivebangla.org



Prantoz Foundation is a community based organisation working for marginalized people of Bangladesh.

Email: prantozfoundationbd@gmail.com

Introduction:

The organisations Inclusive Bangladesh and Prantoz Foundation, who work to promote and preserve human rights in Bangladesh, have developed this periodic stakeholders' report as part of the Universal Periodic Review (UPR) process of the United Nations Human Rights Council.

Methodology:

The report is based on consultations with the transgender, hijra and other gender minority community on integrated legal gender identity which is the key issue of concern. This report incorporated feedback received.

Background Information:

In the culture of the Indian sub-continent, 'Hijras' are regarded as a 'third gender'; most hijras see themselves as 'neither man nor woman'¹. They cannot accurately be described as 'eunuchs' or 'hermaphrodites' or 'transsexual women', which are Western terms². Most hijras were born male or intersex (with ambiguous genitalia); some will have undergone a ritual emasculation operation, which includes castration³. Some other individuals who identify as hijras were born female⁴. Although most hijras wear women's clothing and have adopted female mannerisms, they generally do not attempt to pass as women⁵. Becoming a hijra involves a process of initiation into a hijra 'family', or small group, under a guru teacher⁶. George Arney wrote, in a BBC News article of 30 November 2000, that hijras have been part of the South Asian landscape for thousands of years⁷.

Hijras can fall under the umbrella term transgender⁸ but not all transgender persons are hijras, even though they may be viewed as such⁹. The Hijra community often identifies itself as an alternative gender, rather than as transgender.¹⁰

In November 2013, the Bangladesh government granted hijras legal status as members of a 'third gender' for 'purposes of voting, travel, identification and other core civil rights.'¹¹ On 16 January 2014, the government issued a Gazette notification to this effect¹². This meant that they became entitled to identify their gender as 'hijra' in national documents such as passports and ID cards, rather than 'male' or 'female'¹³.

This acknowledgment excludes other communities and individuals who have non-normative gender and sexual expressions and who do not conform to the gender assigned to them at birth (transgender women and men), but who do not belong to the Hijra culture. This reflects a widespread misunderstanding of the concept of 'gender,' as the Hijra community is just one

¹ Nanda. S., 'Neither Man nor Woman...' (Chapter 2), 1999, [url](#).

² BBC News, 'Blurring the gender lines in Bangladesh', 30 November 2000, [url](#).

³ Nanda. S., 'Neither Man nor Woman...' (Chapter 2), 1999, [url](#).

⁴ BBC News, 'Blurring the gender lines in Bangladesh', 30 November 2000, [url](#).

⁵ Nanda. S., 'Neither Man nor Woman...' (Chapter 2), 1999, [url](#).

⁶ BBC News, 'Blurring the gender lines in Bangladesh', 30 November 2000, [url](#).

⁷ BBC News, 'Blurring the gender lines in Bangladesh', 30 November 2000, [url](#).

⁸ BBC, 'The semi-sacred "third gender" of South Asia', 20 July 2017, [url](#).

⁹ Home Office, 'FFM to Bangladesh' (para 7.4.1), September 2017, [url](#).

¹⁰ Kaleidoscope Australia, 'Parallel Report to the CEDAW' (para 4.2), September 2016, [url](#).

¹¹ ILGA, 'State Sponsored Homophobia 2017' (page 121), May 2017, [url](#).

¹² The Independent, 'Hijras' third gender identity virtually remains unrecognised', 24 July 2016, [url](#).

¹³ New York Times, 'Transgender Rights, Bangladesh Style', 2 July 2015, [url](#).

of many varied communities, and 'Hijra' is neither a biological trait nor a gender identity. It simply indicates membership in this community. Therefore, in its current form, the gazette notification has the effect of recognizing members of a certain diverse group, but not a gender category with which gender diverse individuals can identify.

Concerns:

1. Gender-diverse individuals (including but not limited to Hijra) continue to encounter obstacles in obtaining NIDs and gaining access to services requiring proof of gender identity. First, the manner in which gender identification alternatives are incorporated into various official documents is neither uniform nor inclusive. The 'Other' and 'Third Gender' options on the aforementioned forms accommodate both gender nonconforming individuals who identify as Hijra and those who do not identify as Hijra. In contrast, the 'Hijra' choice only applies to those who identify as Hijra and are part of the Hijra culture. Therefore, non-Hijra transsexual individuals are unable to apply for an NID and cannot register to vote. To obtain legitimate official documents, gender nonconforming individuals who are not Hijra must select the 'Hijra' category.

2. The absence of a coordinated identification process, which results in different gender identity categories being recorded in different identity documents, as well as the intervention of service providers who lack training on gender identity and gender sensitivity and are, as a result, highly unresponsive to gender diverse individuals, act as additional barriers to accessing basic services.

Recommendation(s)

1. Replace the term "Hijra" with "Others" or "Onyanyo" to ensure integrated gender identity and to enable inclusive and consistent reform of current laws in conformity with international human rights standards.

2. Implement the distribution of uniformed government forms with the "Others" gender choice included.