

## Summary:

Roopbaan is a Bangladeshi not-for-profit, non-partisan, volunteer-based platform for LGBT communities and their allies. Roopbaan works to raise awareness about Bangladesh's sexual and gender diversity, and advocates for the human right to love. Roopbaan has published the country's first LGBT magazine and engaged in several community building initiatives since its inception.

The report details challenges to freedom of association, freedom of expression, and elementary human rights of LGBT individuals in Bangladesh. The status of LGBT communities at high risk of abuse, violence, and discrimination as well as the attacks on LGBT defenders are highlighted. The report provides an overview of political, legal, security and media, social and economic challenges to the well-being of LGBT communities. The report ends with a list of recommendations for the Government of Bangladesh and other relevant stakeholders.

### 1. Roopbaan and Challenges to Freedom of Expression

A. Roopbaan started its journey as the first and only LGBT printed magazine in Bangladesh on January 18, 2014.<sup>1</sup> As the government of Bangladesh has previously denied the existence of Bangladesh's LGBT communities, the printed magazine was critical for establishing and promoting the visibility of LGBT individuals. Roopbaan received tremendous backlash after the grand launch and had to immediately unpublish its popular Facebook page. An AFP interview of the editor of the magazine was reproduced by more than 150 media around the world.<sup>2</sup> Roopbaan's editor was advised to remain home for couple of weeks after this incident. Eventually Bangladesh *Tafsir Parishad* called a press conference to demand immediate ban and arrest of the editor of the magazine.<sup>3</sup> This huge backlash made Roopbaan the face of the LGBT people in Bangladesh and it became the most infamous word in cities. Several hardline Facebook groups like *Basher Kella* or *Salauddiner Ghora* openly threatened the launch of the magazine. Roopbaan became a prime target for extremist groups in Bangladesh. No Bangladeshi media covered LGBT issue so extensively before Roopbaan. Numerous articles, op-eds, blogs, research articles, and social media discussions were written followed by the creation of the magazine. The magazine and LGBT issues in Bangladesh became a major debate in spaces like offices, colleges, universities, and homes. The backlash after the launch of Roopbaan magazine served the purpose of visibility by bringing out the issue on the table. Yet the life and security of the people associated with the magazine were compromised as well. The plan was to publish an issue every three months, but under threats it became difficult to find a

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<sup>1</sup> "First ever LGBT magazine launched | Dhaka Tribune." 19 Jan. 2014, <http://www.dhakatribune.com/arts-culture/2014/01/19/first-ever-lgbt-magazine-launched/>. Accessed 29 Sep. 2017.

<sup>2</sup> "First local magazine for gays launched | The Daily Star." 20 Jan. 2014, <http://www.thedailystar.net/first-local-magazine-for-gays-launched-7611>. Accessed 29 Sep. 2017.

<sup>3</sup> "Bangladesh crackdown on gay men is another gesture - Scroll.in." 29 May. 2017, <https://scroll.in/article/838811/fatal-error-bangladesh-crackdown-on-gays-is-another-gesture-of-capitulation-to-islamist-extremists>. Accessed 29 Sep. 2017.

printer. The second publication was released in August 2014. Close to half of the printed versions of both issues were sent outside Dhaka where people have poor access to the internet and social media. The preparation of the third issue was in progress when extremists murdered Roopbaan publisher Xulhaz Mannan and general secretary K. Mahbub Rabbi Tonoy.

## **B. Challenges to Freedom of Association**

- a) The Bengali new year is celebrated every year on April 14. For two consecutive years in 2014, and 2015, Roopbaan organized a Bengali new year's rally titled 'Roopbaan Rainbow Rally' to celebrate "diversity, friendship, and love" with six rainbow colors that represented sexual and gender diversity but also the six seasons of the country. LGBT people could walk without hiding their sexual orientation and gender identity in a public space for the first time. A local news portal priyo.com reported the news of the first rainbow rally as 'gay' for the first time in media.<sup>4</sup> The news went viral and international media immediately picked up the news as pride rally. Later, Roopbaan clarified to *Gay Star News* that the rally was not a pride rally.<sup>5</sup> After the 2014 rally, Roopbaan received threats, and a local newspaper reported that the government was looking for the magazine editor and other organizers. Roopbaan organizers went on to participate in the 2015 rally. This time the rally was larger and allies also joined. The second rally received even greater media coverage and threats afterwards. In 2016, the government of Bangladesh banned the use of masks, which heavily affected the planning of the 2016 rainbow rally, as most of the people at the rainbow rally preferred to hide their face with masks.<sup>6</sup> A Facebook page titled 'Voice of Bangladesh' created a Facebook event with a call to beat the rally participates in the second week of April 2016.<sup>7</sup> Roopbaan still decided to proceed with the rally.<sup>8</sup> Eventually Roopbaan was forced to cancel the rally over permit issues on April 13, the night before the rally. Dhaka Metropolitan Police and Dhaka University

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<sup>4</sup> "Opinion: Pride Colours in Dhaka - as a bisexual Bangladeshi - blogger." 16 Apr. 2014, <http://thebisexualbangladeshi.blogspot.com/2014/04/pride-colours-in-dhaka.html>. Accessed 29 Sep. 2017.

<sup>5</sup> "Bangladesh gay magazine organizes diversity parade alongside New ...." 20 Apr. 2014, <https://www.gaystarnews.com/article/bangladesh-gay-magazine-organizes-diversity-parade-alongside-new-year-festivities200414/>. Accessed 3 Oct. 2017.

<sup>6</sup> "Police greenlight hand-held masks on Bangla New Year - bdnews24 ...." <http://bdnews24.com/bangladesh/2016/04/12/police-greenlight-hand-held-masks-on-bangla-new-year>. Accessed 29 Sep. 2017.

<sup>7</sup> "'Rainbow rally' in Dhaka cancelled | daily-sun.com." 14 Apr. 2016, <http://www.daily-sun.com/post/128599/Bangladesh-rainbow-rally-cancelled-over-permit-issues>. Accessed 29 Sep. 2017.

<sup>8</sup> "Bangladesh group to hold 'rainbow rally' despite threats - The ...." 14 Apr. 2016, <https://www.thepeninsulaqatar.com/article/14/04/2016/Bangladesh-group-to-hold-rainbow-rally-despite-threats>. Accessed 29 Sep. 2017.

authority jointly denied permission for the rally.<sup>9</sup> On the day of Pohela Boishakh, 2016, the police detained four young gay men.<sup>10,11</sup> Both Xulhaz Mannan and Mahbub Tonoy were at the police station on April 14, 2016 to release the young men. Later Xulhaz and Tonoy mentioned they were followed by suspicious people while they were waiting outside the police station. Mahbub Tonoy received death threats by phone two days after this incident. Tonoy's family also confirmed a group of people came to his house a few days after the rally and threatened Tonoy to stay away from *homosexual* activities. Executive officials of a prominent sexual health service provider and a human rights defender of Boys of Bangladesh were detained by plain dress Detective Branch police in the same week and were interrogated about their connections with Roopbaan.

- b) Alongside the rallies, Roopbaan organized several other events to build LGBT community and raise public awareness. These events were Pink Slip, RB-SNS Trans Show, LGBT Film Festival and LGBT-inclusive iftar events from 2013 to 2015.<sup>12</sup> Roopbaan conducted a Youth Leadership Program, comprising two-day workshops, seminars, and activities for the LGBT communities and its allies. These events and programs were organized despite a repressive climate of threats, intimidation, criminalization, and lack of government protection for LGBT individuals. The LGBT individuals who were involved in these events took great risk. The relative success of the events is evidence of their courage, ingenuity, and resilience, and are in no way a reflection of free and open space for LGBT organizing in Bangladesh. The murders of Xulhaz and Tonoy brought the visible organizing of LGBT communities to a standstill.

### C. LGBT Community at High Risk of Abuse and Discrimination

- a) Along with Boys of Bangladesh (BoB), Roopbaan conducted a community survey to assess the current needs and challenges of the lesbian, gay, and bisexual communities of Bangladesh. 571 self-identified LGB people participated in the survey and the final report was published in December 2014.<sup>13</sup> Majority of the 44 percent respondents, who reported feeling mentally stressed due to their sexual

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<sup>9</sup> "'Rainbow rally' in Dhaka cancelled | daily-sun.com." 14 Apr. 2016, <http://www.daily-sun.com/post/128599/Bangladesh-rainbow-rally-cancelled-over-permit-issues>. Accessed 29 Sep. 2017.

<sup>10</sup> "LGBT Activists Arrested at Bengali New Year March, Later Released ...." 15 Apr. 2016, <https://advox.globalvoices.org/2016/04/15/lgbt-activists-arrested-at-bengali-new-year-march-later-released/>. Accessed 29 Sep. 2017.

<sup>11</sup> "Four revellers held after Bangladesh bans 'rainbow rally' - The ...." 14 Apr. 2016, <https://tribune.com.pk/story/1084525/four-revellers-held-after-bangladesh-bans-rainbow-rally/>. Accessed 29 Sep. 2017.

<sup>12</sup> Ramadan is the month of fasting for Muslims and Iftar is the meal they eat to break their fast at sunset.

<sup>13</sup> "Bangladesh survey finds homosexuals live in fear | 76 CRIMES." 31 Dec. 2014, <https://76crimes.com/2014/12/31/bangladesh-survey-finds-homosexuals-live-in-fear/>. Accessed 3 Oct. 2017.

orientation, admitted “to harboring self-hatred and suicidal thoughts.” Although 87 percent of the respondents were unmarried at the time, 42 percent of participants said it would be likely for them to enter heterosexual marriage without disclosing their sexual orientation due to religious and social pressure. Majority of the respondents faced different forms of harassment but were unaware where they can get legal help. Majority of the perpetrators of discrimination were friends and classmates. The survey also found that perpetrators are not held accountable for crimes such as blackmail, physical assault, and sexual violence.

#### **D. Attack on LGBT Defenders**

- a) In February 2015, under the banner of Roopbaan, *Roopongti*, a queer poetry book, was released at *Ekushey* book fair, the largest book fair in Bangladesh. The publisher of *Roopongti* was attacked by Islamic extremists in September 2015.

#### **E. Present Situation**

The following sections will highlight the present challenges of LGBT communities in Bangladesh.

##### **a) Legal Protection:**

- i. Section 377 of Bangladesh’s constitution, a remnant of colonial British laws, criminalizes same-sex sexual conduct, although Bangladesh has been independent since 1971 and successive governments have failed to repeal this law. In previous UPR cycles in 2009 and 2013, Bangladesh received recommendation from other countries to abolish Section 377. Both times Bangladesh refused to abolish Section 377.<sup>14,15</sup>
- ii. The Information Communications Technology (ICT) Act was passed in 2006 and amended in 2013. The law criminalizes “hurting religious sentiments” and dissenters as well as members of minority communities have been imprisoned under this law.<sup>16</sup> The ICT Act poses a critical threat to freedom of expression of LGBT communities.

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<sup>14</sup> "Bangladesh's LGBT Community and the UPR 2013 | Rainer Ebert." 27 Apr. 2013, <https://rainerebert.com/2013/04/27/bangladeshs-lgbt-community-and-the-upr-2013/>. Accessed 4 Oct. 2017.

<sup>15</sup> During UPR 2009, the Government of Bangladesh accepted the recommendation with regard to the human rights training of law enforcers and judicial officers but refused to abolish Section 377, arguing that “Bangladesh is a society with strong traditional and cultural values. Same-sex activity is not an acceptable norm to any community in the country. Indeed, sexual orientation is not an issue in Bangladesh. There has been no concern expressed by any quarter in the country on this.” During UPR 2013, according to a UN summary of the UPR meeting, Abdul Hannan, Permanent Representative of Bangladesh to the UN Office at Geneva, told the council that his country could not accept recommendations that conflicted with “constitutional and legal provisions” or “socio-cultural values of the country”.

<sup>16</sup> "Bangladesh ICT Act: The trap of Section 57 | The Daily Star." 7 Jul. 2017, <http://www.thedailystar.net/frontpage/bangladesh-ict-act-the-trap-section-of-57-1429336>. Accessed 3 Oct. 2017.

- iii. According to Section 54 of the Criminal Procedure 1898, police can arrest people without any warrant if he or she is considered suspicious or committed any cognizable offense.<sup>17</sup> This law is used to arrest LGBT people without warrants. Police arrested four participants from the 2016 “Noboborsho” rally, who were not representing Roopbaan but had rainbow props with them.
- iv. Section 74 of Dhaka Metropolitan Police criminalizes sex work by adults and is used to harass trans people, cross-dressers, and sex workers.<sup>18</sup>

**b) Political Scenario:**

- i. Police were unsuccessful in investigating the high-profile murders of Xulhaz-Tonoy and failed to submit the charge sheet for the sixteenth time on August 18, 2017. Xulhaz’s family also complained there has been no visible investigation from the authority to catch the murderers.<sup>19,20,21</sup>
- ii. Rapid Action Battalion, an elite police force in Bangladesh, arrested 28 allegedly young gay men on May 19, 2017, by storming a private gathering at the outskirts of Dhaka.<sup>22,23</sup> Although they were officially charged with illegal drug possession and use, police forcibly made these men, mostly gay aged 20-25, stand in front of print and electronic media during a press conference and outed them as ‘*homosexual*’ men. Their bail request was repeatedly denied. Arrestees were eventually bailed out after more than a month. Unverified sources reported cases of ill treatment the arrestees were not fed for long time; they were punched, slapped and mocked; the police took their photos with mobile phones and threatened to

<sup>17</sup> "54. When police may arrest without warrant - Laws of Bangladesh."

[http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=75&sections\\_id=14518](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=75&sections_id=14518). Accessed 3 Oct. 2017.

<sup>18</sup> "1. Bangladesh National Consultation on Punitive Laws Hindering the ...." 18 May. 2013, <http://www.un-bd.org/OHCHR/Documents/Bangladesh%20National%20Consultation%20on%20Punitive%20Laws%20Hindering%20the%20AIDS%20Response%20in%20Bangladesh%20FINAL.pdf>. Accessed 3 Oct. 2017.

<sup>19</sup> "A year after Xulhaz, Tonoy murders, police say charges not anytime ...."

<https://bdnews24.com/bangladesh/2017/04/25/a-year-after-xulhaz-tonoy-murders-police-say-charges-not-anytime-soon>. Accessed 4 Oct. 2017.

<sup>20</sup> "জুলহাজ-তনয় হত্যার প্রতিবেদন পিছিয়ে ২৫ সেপ্টেম্বর - bdnews24.com." 17 Aug. 2017, <http://bangla.bdnews24.com/bangladesh/article1380674.bdnews>. Accessed 4 Oct. 2017.

<sup>21</sup> "1 year on, no probe progress, no arrest - The Daily Star." 25 Apr. 2017,

<http://www.thedailystar.net/backpage/1-year-no-probe-progress-no-arrest-1395937>. Accessed 4 Oct. 2017.

<sup>22</sup> "Bangladesh authorities arrest 27 men on suspicion of being gay | The ...." 19 May. 2017,

<http://www.independent.co.uk/news/world/asia/bangladesh-authorities-arrest-27-men-gay-homosexuality-muslim-country-islam-police-charge-a7744366.html>. Accessed 29 Sep. 2017.

<sup>23</sup> "Police just arrested 27 men 'for homosexuality' in Bangladesh - The ...." 19 May. 2017,

<https://www.washingtonpost.com/news/worldviews/wp/2017/05/19/police-just-arrested-27-men-for-homosexuality-in-bangladesh/>. Accessed 29 Sep. 2017.

spread the images in social media. The arrestees were not made aware of their legal rights and were unable to access legal support.

- iii. Bangladesh's Home Minister Asaduzzaman Khan Kamal went on record condemning Roopbaan magazine after the murder of Xulhaz and Tonoy saying, "Our society does not allow any movement that promotes unnatural sex. Writing in favor of it is tantamount to criminal offense as per our law."<sup>24</sup> This year the United Nations Human Rights Council voted to condemn countries that permit the death penalty of LGBT individuals. Although the resolution passed, Bangladesh voted against the resolution.<sup>25</sup> Such actions create a political climate where extremist religious organizations feel empowered to commit violence against LGBT communities.
- iv. Bangladeshi police refuse to provide protection for LGBT events. The 2016 'Roopbaan Rainbow Rally' was canceled after various threats were made by extremist groups and the police refused to provide any protection for rally participants. Boys of Bangladesh leaders were also picked up by police and asked about their involvement with Roopbaan's activities. Such incidents create fear and make LGBT community members hesitant in approaching police when they face harassment and threats.

**c) Security and Media:**

- i. Dozens of frontline LGBT leaders, volunteers or people associated with Roopbaan or Boys of Bangladesh were forced to leave Bangladesh or go into hiding after the murder of Xulhaz and Tonoy in fear of further attacks on the LGBT community. Many of them sought political asylum or refugee status in other countries.<sup>26</sup> LGBT exodus and community retreat into closet continues even in 2017 as government and law enforcers are further terrorizing the community by busting gay parties. Community based organizations like Boys of Bangladesh or Roopbaan has gone underground and activities have halted.
- ii. Violent non-state actors i.e. *Hefazat-E-Islam* Bangladesh, Al-Qaeda in the Indian Subcontinent (AQIS), *Hizb Ut-Tahrir*, *Ansar-Al Islam* Bangladesh are vigilant to identify LGBT activists and activities. It's almost

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<sup>24</sup> "How Bangladesh's LGBT Community Is Dealing with Threats ... - Vice." 1 Jun. 2016, [https://www.vice.com/en\\_us/article/9b89v3/how-bangladeshs-lgbt-community-is-dealing-with-threats-and-machete-attacks](https://www.vice.com/en_us/article/9b89v3/how-bangladeshs-lgbt-community-is-dealing-with-threats-and-machete-attacks). Accessed 3 Oct. 2017.

<sup>25</sup> "These 13 countries voted against UN ban of death penalty for being gay." 2 Oct. 2017, <https://www.gaystarnews.com/article/un-resolution-abolish-gay-death-penalty/>. Accessed 3 Oct. 2017.

<sup>26</sup> "In fear after attacks, gay Bangladeshis retreat into closet and flee abroad." 4 Dec. 2016, <http://www.reuters.com/article/us-bangladesh-lgbt-idUSKBN13U06K>. Accessed 4 Oct. 2017.

impossible to find volunteers to organize even indoor activities. Security has become the most pressing issue for the community.

- iii. After the murder of Xulhaz and Tonoy, the LGBT community has undergone a period of paralyzing shock and fear. Visible LGBT activists and individuals are feeling unsafe and are worried about their names being on the “hit list”. Some have expressed fear of being stalked.
- iv. Visible LGBT activists are under physical threat from religious extremists. Government officials and police do not have transparent processes for holding individuals and groups accountable. The murder of Xulhaz and Tonoy and the lack of a strong government response demonstrates the lack of legal protection for LGBT people.
- v. Since the publication of Roopbaan magazine, multiple online threats have been sent to Roopbaan. Hate groups were created on Facebook and, even after reporting them, Facebook did not shut down the hate groups. A Facebook event titled “Roopbaan-ke juta peta kora hok” (Hit Roopbaan with Shoes) was created in 2016. News coverage portrayed Roopbaan as a “somokami odhikar” (right to homosexuality) magazine, even though Roopbaan explicitly and intentionally struggles under the banner of “somopremi” (same-sex lover) to highlight that Roopbaan’s fight is for the right to love.
- vi. Roopbaan was in the process of registering officially as an organization but the current legal and political climate makes it increasingly dangerous to do so since the registration process requires Roopbaan organizers to meet government officials in person.
- vii. The media’s role is critical for the safety and well-being of LGBT community and activists in Bangladesh. After the arrest of 28 LGBT individuals in 2017, the media publicized their photos in television and online. Unthoughtful reporting made those individuals further vulnerable to vigilante threats, intimidation and attacks as well as family abuse.

**d) Social and Economic Scenario:**

- i. Visible LGBT organizing has stopped for fear of reprisals since 2016. Also, the murders of Xulhaz and Tonoy have been traumatic for communities demonstrating the debilitating effect of violence against LGBT communities in Bangladesh. Community members are frustrated, depressed and not confident about engaging in the public sphere. Due to widespread mistrust, communication has broken down within the community.
- ii. Since 2016, there have been multiple reports of suicides among LGBT community members. Families are afraid of their LGBT members being

killed by extremists and are putting pressure on the latter to marry people from the other sex.<sup>27</sup> Under severe stress and traumatic circumstances, LGBT individuals are committing suicide.<sup>28</sup>

- iii. Younger LGBT people are particularly vulnerable as they have no resource to tackle problems such as family pressure, bullying at school and unstable or abusive romantic relationships.
- iv. LGBT individuals who are not visible organizers or members of organizations are isolated, experience loneliness within their social circles and undergo depression.
- v. In a majority Muslim, patriarchal and conservative Bengali society, same-sex intimacy used to be common and socially perceived as platonic bonds. However, platonic relations are now suspect. Single individuals who exhibit same-sex intimacy now face the possibility of being labeled LGBT individuals. Under current circumstances, closeted LGBT people are facing social pressure to marry in order to prove their heterosexual orientation.
- vi. There is lack of knowledge and information about gender and sexual minorities in the public sphere. Combined with an existing conservative social structure, the lack of awareness makes intolerance and hatred of sexual minorities acceptable.
- vii. Lesbian communities are particularly vulnerable because of their status as women in a patriarchal society. There is greater likelihood of physical violence against lesbians.
- viii. The class difference within LGBT communities persists. Middle and upper middle class educated individuals mostly fall under the umbrella of LGBT while low-income group members usually identify as kothi, panthi, hijra or MSM.
- ix. The larger civil society has excluded LGBT issues from their social justice and development agenda. There has been no condemnation after the murder of Xulhaz and Tonoy from local human rights organizations.
- x. Transgender identities are now recognized as a third gender in Bangladesh. However, transgender and hijra communities still face discrimination at work and in their day to day life.
- xi. Prevalent religious sentiments in a majority Muslim country are against the rights of LGBT community. Tonoy and Xulhaz were sent “kafoner kapor” (white cloth used in Islamic funeral) to their homes and the threats

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<sup>27</sup> "Family forced him to marry; he chose death instead | 76 CRIMES." 4 Sep. 2017, <https://76crimes.com/2017/09/04/family-forced-him-to-marry-he-chose-death-instead/>. Accessed 4 Oct. 2017.

<sup>28</sup> There are at least 5 suicides we can confirm through personal communication but we cannot provide further details on these cases since disclosure might put the families of said individuals at risk.

referred to “Islamic laws”. Many of the threats were coming from English-speaking educated individuals. Additionally, within LGBT communities, individuals are grappling with sense of shame and sinfulness in trying to reconcile their religious, sexual and gender identities.

**F. Recommendations:**

- a) Guarantee basic safety and security for every citizen of Bangladesh irrespective of their class, caste, ethnic identity, gender, sex characteristics, and sexual orientation.
- b) Ensure that existing laws and laws under consideration are all in line with international human rights law and standards for LGBT rights.
- c) The government must categorically condemn the attacks on LGBT communities without implying that visible LGBT activities justify violence against them.
- d) The freedom of association for the LGBT community needs to be affirmed by the government and upheld by civil society. Take steps to train judges, officials, police forces to ensure the rights of LGBT individuals are not violated.
- e) Xulhaz-Tonoy’s murderers should be brought to justice. The charge sheet must be submitted without further delay.
- f) Provide protection to LGBT persons if they face threats by violent non-state actors. Ensure that non-state actors who exercise violence against LGBT communities are brought to justice. Introduce hate crime laws and devise a specialized complaints mechanism through which LGBT individuals can report crimes against them without risking their lives.
- g) Repeal and amend laws like Section 377 that criminalizes homosexuality and the Information Communication Technology (ICT) Act that violate the rights of freedom of expressions. The freedom of expression of LGBT activists has to be protected by the government. The government has to ensure that LGBT individuals who simply exercise their right to freedom of expression and association are not arrested with criminal charges.
- h) Enact and immediately implement the anti-discrimination law that Bangladesh Law Commission is currently drafting. Under this draft Act, a list of discriminatory acts (including sexual orientation and gender identities) will be considered as punishable offence.
- i) Train Journalists and media decision makers to report LGBT stories without compromising the safety of LGBT individuals and community.