Mr. President,

This statement is made on behalf of ILGA World and has been drafted in collaboration with human rights defenders working on sexual orientation, gender identity and expression and sex characteristics in Bangladesh.

We welcome the Special Rapporteur’s emphasis on the increasing risk factors for LGBTI persons in the context of trafficking, particularly when trafficking occurs for sexual exploitation purposes. We celebrate the gender-sensitive approach of the report about her visit to Bangladesh and share the Special Rapporteur’s concerns regarding the lack of identification and protection of LGBTI people who are victims of trafficking in the country.

We believe it is crucial to apply intersectional lenses considering the linkages between sexual orientation, gender identity, gender expression, sex characteristics, and ethnicity when addressing the issue of trafficking in Bangladesh. An example is the experience of the Hijra community which faces profound and structural discrimination and is more vulnerable to falling victim to exploitation and trafficking.

Hijras follow a kinship structure of Hijra disciples, known as chelas, and Hijra leaders, known as gurus. This Hijra tradition is well established in India and Bangladesh, and trafficking of Hijra chelas from Bangladesh to India is a major concern. Hijra chelas migrate to India for several reasons, including better income opportunities, castration, sex reassignment procedures, sex

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1 Hijra is a cultural identity in Bangladesh and other regions in South Asia, composed mostly of transwomen and Kothis, gay men with feminine gender expression. Traditionally, hijras are male-bodied feminine-identified people who sacrifice, although not always, their male genitals in return for spiritual power to bless and curse the newlywed and the newborn. However, other gender-diverse identities can belong to the hijras communities, such as trans men and intersex persons. A wide range of terminology, ranging from transsexual to transvestite and intersex, is used in South Asian and international popular media to describe the hijra. For more information, see Hossain, A., 2016, The paradox of recognition: hijra, third gender and sexual rights in Bangladesh, Culture, Health & Sexuality, 2017 Vol. 19, No. 12, 1418–1431
work, and begging. The undocumented and risky migration process of the Hijras due to barriers in registering for legal identification documents endangers their lives while crossing the border.

LGBTI persons in Bangladesh also face barriers to gaining education and employment, discrimination and malpractice from law enforcement, unequal access to healthcare (particularly sexual and reproductive health), high levels of hate crimes, and sexual and gender-based violence. Same-sex relations are still criminalized under the Penal Code, further deepening the stigmatization of the community. All these legal exclusion and social limitations increase the risks of LGBTI persons and other gender-diverse identities, such as Hijras, of being subjected to human trafficking.

We also recommend the government of Bangladesh treat LGBTI and Hijra persons as full and equal citizens by decriminalizing same-sex relations and implementing measures to involve these groups in anti-trafficking interventions, including screening, detection, investigation, prosecution, and victim protection.

How will the Special Rapporteur continue to address the push factors for trafficking grounded in the disenfranchisement and oppression of SOGIESC diverse persons?

Thank you, Mr. President.

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3 Section 377 of the Penal Code (Act XLV of 1860) criminalises “unnatural offences”. This is defined as “carnal intercourse against the order of nature with any man, woman or animal” and penetration is “sufficient to constitute the carnal intercourse”. Those found guilty are punished with up to imprisonment for life and shall also be liable to fine. https://database.ilga.org/criminalisation-consensual-same-sex-sexual-acts