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30 July 2003

Bangladesh: Treatment of homosexuals; legislation on homosexuality and its enforcement (2000-2003)

Research Directorate, Immigration and Refugee Board, Ottawa

According to the assessment of human rights in Bangladesh published in April 2003 by the Immigration and Nationality Directorate of United Kingdom's Home Office:

There is little evidence available on the subject of homosexuality in Bangladesh. The limited sources available indicate that homosexuality exists and that it may be culturally acceptable or tolerated. There is no agreement among the sources, consulted by CIPU [Country Information and Policy Unit], as to the legal status of homosexuality and its punishment. One source suggests that the penalty for homosexuality is severe and it is punishable by life imprisonment. A press report, however, indicates that there is no law on the statute books for dealing with homosexuals (para. 6.98).

A world survey on the legal status of homosexuals (including those in Bangladesh), published in 1999, refers to article 377 of the Penal Code of Bangladesh, which states that:

Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to [a] fine (ILGA 14 May 1999).

The same report also cited a statement on this subject provided by a Bangladeshi lawyer to the Embassy of Sweden in Dhaka:

You will notice that the word[s] 'homosexual' or 'homosexuality' have not been used in the statute. The instances of prosecution under this section are extremely rare. In my twenty years of law practise, I have not known or heard of a case where a person has been prosecuted for or convicted of homosexuality under the aforesaid section. Such a prosecution in fact would be extremely difficult, if not impossible, for lack of witness[es] or evidence (ibid.).

A 16 April 2003 article from the Australian daily *Sydney Star Observer* indicated that "Islamist groups funded [by] Saudi Arabia are campaigning for the introduction of shari'a law," and that homosexuals may fall victim to this fundamentalist trend. The

article also mentions the case of Islamic fundamentalists who threatened to stone to death a gay man (*Sydney Star Observer* 16 Apr. 2003). However, no corroboration of this information could be found among the other sources consulted by the Research Directorate.

No additional information on the above-mentioned subject could be found among the sources consulted by the Research Directorate within the time constraints for this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. Please find below the list of additional sources consulted in researching this Information Request.

References

International Lesbian and Gay Association (ILGA). 14 May 1999. *World Legal Survey: Bangladesh* . <http://www.ilga.org/Information/legal_survey/asia_pacific/bangladesh.htm> [Accessed 27 July 2003]

Sydney Star Observer . 16 April 2003. Adam Carr. "Why Gay Men Flee Bangladesh." <http://www.ect.org/news/2003-4-16_sydneygay.html> [Accessed 29 July 2003]

United Kingdom. April 2003. Home Office, Immigration and Nationality Directorate (IND). *Country Assessment: Bangladesh* . <<http://www.ind.homeoffice.gov.uk/default.asp?PageId=2839>> [Accessed 28 July 2003]

Additional Sources Consulted

Dialog

IRB Databases

Internet sites, including:

Amnesty International

Country Reports 2002

European Country of Origin Information Network (ECOI.net)

Homosexual Rights Around the World

Human Rights Watch (HRW)

The Daily Star [Dhaka]

World News Connection (WNC)

Search engine:

Google

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