



Independent observer  
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## Engaging with national human rights institutions key to advancing rights of hijra and transgender people

Hoping to seize on momentum begun in Bangladesh in November 2013 with the decision to recognize a third gender on official documents, the Global Fund-supported [Multi-Country South Asia HIV Program](#) is working with national human rights institutions alongside civil society to improve the promotion and protection of human rights for sexual minorities.

The decision to recognize ‘hijras’ or transgender people in Bangladesh was a watershed moment in the region, adding the country to the ranks that also include India, Nepal and Pakistan in recognizing transgender people. The recognition, while not yet enacted as legislation, promises to secure the rights of these communities. This will enable them to identify their gender as ‘third gender’ in all government documents, including passports. Without an identity card they are often denied services.

“While the Government of Bangladesh has yet to enact a specific law covering the rights of third gender people, the progress is significant,” said Shale Ahmed, executive director of Bandhu Social Welfare Society ([BSWS](#)), a sub-recipient of the multi-country program since 2011.

“Legal recognition promises to contribute to improved access to social services that most people take for granted, such as access to health care, housing, education and employment.”

In Bangladesh, as in many parts of Asia, sexual minorities suffer from social stigma and discrimination that are barriers to services including treatment in public health facilities; these rights violations can also compromise their ability to access work or economic advancement, keeping them in poverty. Without access to services, these populations are more likely to engage in high-risk behaviors that further expose them to the risk of HIV or other sexually transmitted infections.

“There are strong links between human rights violations, persistent stigma and discrimination and the elevated HIV epidemics that we are seeing among transgender people and men who have sex with men (MSM) in the Asia-Pacific region,” noted Nadia Rasheed, who leads the UNDP HIV, Health and Development regional team based in Bangkok. “A [recent UNDP study](#) on transgender people in Asia noted that some locations reported HIV prevalence rates as high as 49 percent.”

Policy progress in Bangladesh on recognizing ‘third genders’ followed an intensive and collaborative campaign engaging civil society groups such as BSWS alongside the National Human Rights Commission (NHRC).

In the wake of the cabinet decision, the Ministry of Social Welfare has launched a nationwide pilot program to develop hijra-friendly services and also allocate a small budget for education stipends, vocational training, livelihood options and pensions for elderly hijra under their existing social protection programs. While there is no rigorous data as to the size of the hijra population in Bangladesh, the program has the potential to impact thousands of people.

At a December 2014 consultation organized by BSWS, Dr. Mizanur Rahman, chairman of the NHRC of Bangladesh, remarked on the state of sexual minority rights in Bangladesh. “Lesbian, gay, bisexual and transgender (LGBT) issues are not different from other human rights-related concerns,” he said. “The rights movement has gained considerable momentum in recent years, however, the time has not yet come where we can talk openly and frankly about these communities. It is high time we raise our voices to uphold the basic rights of LGBT people in Bangladesh.”

In close collaboration with the NHRC and with support from the Dutch government, BSWS in 2013 launched a telephone hotline called Ain Alap (‘Legal Talk’) to provide easy access to information and assistance on legal issues. Nearly 1,000 calls have been received from 53 districts around Bangladesh in the last two years; Ain Alap is expected to continue providing help in accessing justice for sexual minorities going forward with support under the Multi-Country South Asia HIV grant.

A major victory came in January 2015, when legal redress was secured for Sohel Rana, a transgender person who was unjustly terminated from her job at the Bangladesh Medical Studies and Research Institute (BMSRI) in May 2013 due to her gender identity. Following a ruling by the NHRC on the case, Sohel was awarded lost salary and was reinstated.

“Engaging national human rights institutions as partners is key to advancing human rights issues including ensuring equitable access to essential HIV and health services,” said Shale Ahmed of BSWS.

Other human rights activities conceived under the current phase of the grant, which was awarded a total \$16.7 million to run from 2013 through 2015 in Afghanistan, Bangladesh, Bhutan, India, Nepal, Pakistan and Sri Lanka, include workshops bringing together representatives of national human rights institutions (NHRIs) to develop strategies to work on sexual minority rights issues around the region. (Phase 1 of the grant was awarded under Round 9 from 2011-2013, with PSI Nepal serving as PR). Most recently, NHRI representatives from 17 Asia-Pacific countries gathered in Bangkok from 24-25 February 2015 for a [workshop](#) organized by UNDP, the Asia Pacific Forum of National Human Rights Institutions and the Asia Pacific Coalition on Male Sexual Health. It produced a joint [action plan](#) to further the promotion and

protection of human rights in relation to sexual orientation and gender identity.

“The regional component of our work helps to facilitate greater collaboration between civil society organizations and NHRIs and to increase their visibility and role in international HIV responses and rights mechanisms,” said Anna Chernyshova, program manager at the UNDP regional office.

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